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Senate

The Senate met at 9 a.m. and was called to order by the Honorable AMY KLOBUCHAR, a Senator from the State of Minnesota.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by guest Chaplain, RADM Harold L. Robinson, deputy chief of Navy chaplains for Reserve matters.

The guest Chaplain offered the following prayer:

Eternal God, keep us always in awe of Your grandeur and Your great love for us. You are creator of heaven and Earth, yet You have created us in Your own image. Though we are creatures of clay and dust, You have shared Your spirit with us. We are conscious, able to distinguish good from evil, virtue from vice, selflessness from selfishness. Though these contend for mastery of our lives and we complain of the struggle, let us recall that Your gift of choice is the grandeur and greatness of our humanity. When we choose well and wisely, the hosts rejoice with the psalmist and declare: You have made us just a little less than divine and crowned us with glory and honor.

We pray today for all Your creatures. May peace and good will obtain among all the inhabitants of all lands, most especially our own. We pray fervently for our great Nation and for all whom the people have set in authority. Guide and bless this Chamber and the Senators who here serve You. May each of them be enlightened with Your wisdom and sustained with Your love.

We pray, too, for those who serve us in harm's way: sailors, soldiers, marines, airmen, and coastguardsmen who willingly sacrifice the protection and comfort of home and family to defend our safety and our security. We pray also for their loved ones left at home, family and friends whose daily vigil is the worry for their warrior's well-being. Eternal God, we pray for warrior and worrier alike. Keep them under the protecting shadow of Your wing.

Dear God, make each of us more worthy messengers of Your will, that together we might make real the ancient dream that justice shall flow down like waters and righteousness like a mighty stream and our world be perfected under Your unchallenged rule.

Eternal God, bless us and protect us. Look favorably upon us and be gracious to us. Take notice of us and grant us the blessing of peace.

And let us join in saying Amen.

PLEDGE OF ALLEGIANCE

The Honorable AMY KLOBUCHAR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 18, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AMY KLOBUCHAR, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. KLOBUCHAR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—H.R. 391

Mr. REID. Madam President, it is my understanding that H.R. 391 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 391) to authorize the Secretary of Housing and Urban Development to continue to insure, and to enter into commitments to insure, home equity conversion mortgages under section 255 of the National Housing Act.

Mr. REID. I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

PARTY INSTITUTES

Mr. REID. Madam President, many years ago the Congress created the party institutes to do development work across the world, building democratic institutions from Eastern Europe, Asia and Africa, to the Middle East. They have come such a long way in the time since they were created. Their workers serve in extremely tough and very dangerous situations and conditions. JOHN MCCAIN has been chairman of the International Republican Institute, and Madeleine Albright chairs the National Democratic Institute for International Affairs. We appreciate so much the work and service both these institutes perform throughout the world in developing and creating democracies.

I am so sad to report that yesterday in Baghdad a convoy carrying a team of NDI employees was attacked and four NDI employees were killed, including one American. This tragedy is a reminder that we have sacrifices of all kinds being made on behalf of democracy across the world. The Nation mourns the losses that occur in Iraq on

a daily basis. Yesterday, 170 Iraqis were killed that we know of, 4 Americans. I haven't received the reports this morning on what happened last night. We also mourn for people like these gallant individuals, who were there trying to make the world a better place. Our thoughts go out to the families of these four individuals. Later today, their names will be spread across the RECORD of the U.S. Senate.

ORDER OF PROCEDURE

Mr. REID. Madam President, on the Democratic side, we have six 10-minute speeches. I ask unanimous consent that each Democratic Senator have their full time and, of course, the Republicans would have their full 60 minutes when we complete ours.

Now I ask unanimous consent that Senator SALAZAR be recognized, followed by Senator GREGG, if he is here, Senator CONRAD, Senator BENNETT, Senator DURBIN, and me, in that order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the first hour under the control of the majority leader or his designee and the second hour under the control of the Republican leader or his designee.

The Senator from Colorado is recognized.

OUR WESTERN HEMISPHERE

Mr. SALAZAR. Madam President, just days before the start of the 110th Congress, I had the great honor of traveling to Bolivia, Peru, and Ecuador in South America with our majority leader, HARRY REID, as well as four of my other colleagues: Senator JUDD GREGG from New Hampshire, Senator BOB BENNETT from Utah, Senator KENT CONRAD from North Dakota, and Senator DICK DURBIN of Illinois. It was a great and wonderful trip for me for a number of reasons.

First, my own view is that over the last decade, and perhaps even more, this country has not paid enough attention to our relationship with Latin America and South America. For me, there is a special bond and relationship because of my own history in the Southwest of the United States. My family founded the city of Santa Fe, NM, now 409 years or four centuries ago. So before Plymouth Rock was founded or Jamestown was founded, my family was already living in what is now the northern part of the State of New Mexico.

The place I come from still bears the same names that were put on those places by the Spaniards who settled northern New Mexico and southern Colorado. There is our ranch in the San Luis Valley. When you look around to the mountains to the east, those mountain ranges are called the Sangre de Cristo Mountains or the Blood of Christ range. The mountain ranges in the west at 14,000 feet are named after John the Baptist, the San Juan Mountains, and the river that runs through our ranch is called the Rio San Antonio, the Saint Anthony River. That history has always created a very special bond with our neighbors to the south in Mexico and Central America and Latin America.

When Senator REID and the delegation of six Senators went to South America, it was important for me because what we were doing as a collective group was making a strong statement to Latin America that they are our friends and that we will be working closely with Latin America to make sure that the bond and the relationship between the United States of America and those countries to the south is a bond that is strong and one that will continue.

I also was very pleased with the fact that it was a bipartisan delegation. As we met in those countries with the Presidents of Bolivia and Ecuador, it was important that we were one voice, telling the leaders of those countries that we would find ways in which we would strengthen the relationship between the United States and those countries. That signalled a friendship and mutual interest on the part of the U.S. Government to those countries, and it was very important.

I believe we need to recommit ourselves to strengthening our relationships with Latin America. I also believe our failure to do so will imperil the U.S. strategic interests in fighting terrorism, combating drugs, and helping democratic governments throughout Latin America.

Over 45 years ago, there was another Senator taking on a new role in our Nation's history in this city, and at that time he reached out to Latin America with a program that he called the Alliance for Progress. On March 13, 1961, as the Cold War was beginning to mushroom, President John Kennedy launched the Alliance for Progress—known in Spanish throughout Latin America as la Alianza del Progreso—with a vision to create a strong and united Western Hemisphere of nations. On that momentous day, President Kennedy spoke with remarkable clarity about our country's connection with Latin America. He said:

> We meet together as firm and ancient friends, united by history and experience and by our determination to advance the values of American civilization. This world of ours is not merely an accident of geography. Our continents are bound together by a common history. And our people share a common heritage—the quest for the dignity and the freedom of man.

The effort of the Alliance for Progress was not as successful as President Kennedy wished. Indeed, over the next half century, we witnessed political upheaval in many of the Latin American countries, and we saw strained relationships between the United States and some of these nations. But the Alliance for Progress did work to establish good will among the people of the Americas, and we can learn from its shortcomings as we continue to move forward.

As we enter 2007, I hope our six Senators have begun to shine a spotlight on our strategic alliance with Latin America. Under that spotlight, you will find the difficult and complex issues of international trade, immigration, and the battles we wage together against the awful scourge of drugs which affects the populations of those countries as well as ours. We also face the challenge of increasing economic opportunity and eliminating poverty in that part of the world.

Our first stop in South America was in Bolivia, which is one of the poorest countries in this hemisphere, with one of the largest indigenous populations in Latin America. We met with Bolivia's President, Evo Morales, who was sworn in in 2006 as the country's first indigenous President in its history. We spoke with President Morales about his concerns relating to coca production and our concerns about coca production in Bolivia. We also spoke to him about the interest of Bolivia in extending the Andean trade preferences agreement. I believe it was a productive dialog, but we must continue the dialog if we are to build a stronger relationship with the country of Bolivia and keep Bolivia from going down a path which ultimately will end up in opposition to the interests of the United States.

We also there met with the U.S. Agency for International Development and learned about the scope and impact of their projects in Bolivia. USAID is working to create economic opportunities and alleviate poverty, which is so important to improving the lives of the Bolivian population.

In Ecuador, we met with President Correa, who was busy preparing for his January 15 inauguration. He took time to meet with us, assembling his Cabinet and talking about the importance of the relationship between Ecuador and the United States. President Correa pledged to shut down the drug trafficking that is occurring in and around Ecuador and also raised the need to extend the Andean trade preferences program.

When we visited the LatinFlor flower farm, we saw firsthand the impact of this trade program. It is creating thousands upon thousands of jobs for the people of Ecuador and keeping people

there from being recruited by drug traffickers or from having to flee poverty through illegal immigration into the United States.

In Peru, we met with President Alan Garcia. The United States and Peru have long had a strong and lasting relationship.

In fact, during World War II, as Senator REID reminded the President of Peru, Peru provided our country with the strategic materials that were necessary to carry on the war and allowed the United States to set up military bases in Peru and take the fight on in the South Pacific.

President Garcia is very interested in seeing the U.S.-Peru free trade agreement approved by the U.S. Congress. While questions have been raised about this agreement, I am hopeful and confident that we will work through those issues. I look forward to learning more about this agreement and some of the issues that have been raised by some Members about the labor and environmental provisions of the agreement. I admire President Garcia's interest in formulating fundamental and long-lasting change for the poor people of Peru, to improve education, nutrition, and basic health services.

I hope Democrats and Republicans can work together to lift all of the peoples of the Western Hemisphere to a place of hope and opportunity, including those who live in the margins to the south of us. So now it is time for the United States of America to meet the eyes of our Latin American neighbors and to ensure that the many countries sharing our hemisphere will bequeath to our children a common land and future for the people of all the Americas.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I also rise to discuss the recent meetings we held in South America. The nature of the meetings has been outlined by the Senator from Colorado and, obviously, the majority leader.

I think I should start by saying that I admire the majority leader for putting together the delegation—and I appreciate having participated in it—which was bipartisan. More importantly, the majority leader chose as his first outreach in the area of foreign policy, in the sense of his taking the status of majority leader of the Senate, which is a significant status, to go to these countries in South America—countries which, regrettably, we probably haven't put as much energy and effort into as we should have over the years, and countries that are important to us in a variety of ways. So I think his choice of these three nations—important nations that are major players in our neighborhood—was significant and appropriate. I appreciated the chance to participate in it.

In all three of these nations we are seeing significant change—change which I sort of sense is in a historical context of repeating, in many instances, past actions. South America has, unfortunately, had a history of going from democracy to military leadership to populace leadership and then back to democracy. These three nations have all recently held very democratic elections, and they have elected very outspoken leaders, some of whose views I agree with and some of whose I definitely do not agree with. But they are in the vortex of a movement in Central and South America involving the question of populace socialism as presented by, in part, obviously, Fidel Castro and, more recently, President Chavez of Venezuela. We have seen in that sort of a populist, socialist movement, a distinct antagonism toward democracy. In fact, Cuba hasn't had an election in 40 years. I don't know whether we will see a real election in Venezuela again in the foreseeable future. So I think it was important for us to show the American spirit, which is committed democracy, liberty, and individual rights, and having an electoral process that works—to show that spirit by coming to these three nations that recently held elections and elected new leadership.

There are a lot of issues involving these nations. Bolivia and Ecuador and Peru have significant questions relative to poverty. But there are three issues which dominate our relationship with them, which have been discussed already, and which we discussed with their leadership extensively at different levels, starting with the Presidency of those three countries. Of course, the first is the question of illegal drugs such as cocaine.

I think it is rather difficult for us as a nation to go to a country such as Bolivia, which is exporting cocaine products mostly to Europe, or Ecuador and Peru, which export it here—it is hard to go to those countries because we don't come with clean hands. Basically, we are the demand. As long as we have the demand in this Nation, which is so overwhelming, somebody is going to supply that demand. So we have put these nations at risk by us having our demand for the use of these illegal drugs, especially cocaine. I feel compassion for these nations in that we have undermined them by our Nation putting so much pressure on them regarding illegal trafficking. You have to admire their leaders.

It was great to travel with the Senator from Colorado and his wife. It was nice to have an American face that spoke pure Spanish. It gave us a presentation that immediately gave us identity with those nations. So it was wonderful to have the Senator and his wife there, especially for those of us who allegedly spoke Spanish when we were in college but never really did. Each one of these Presidents was totally committed to fighting illegal drugs. They recognize the harm it is doing to their nations. So we want to support them in that effort.

Secondly is the issue of immigration, which again, to some degree, you can understand their problem, which is that they have people who want to support their families and they come to America to do that, and a fair number come illegally. How we deal with that as a country is a big issue for us and for those nations. Money coming back into those countries as a result of Ecuadorians or Peruvians working in America and sending money back significantly contributes to their economy. They want to have the ability for their people to come here legally. We want to structure a system to help them.

The reason people are leaving those countries goes to the third issue, which is trade. They need good jobs in their country. There are products that they can provide in their countries which, in the classic context of comparative advantage, they can do better than we can. The same is true vice versa. In fact, we can do a lot of things better than they can. So open and free trade is something they want. Every one of those leaders wants open and free trade with the U.S, which is a very positive attitude on their part because we can produce more products that they need, with value added, and they can produce products we need. I suspect we will be in a surplus fairly quickly with each one of these countries if we go to a true free market. That will raise the standard of living down there, which will relieve, to some degree, the pressure for illegal immigration to the U.S.

So it works to our benefit, and not only from the standpoint of trade. One of the interesting statistics I saw in Peru was that trade from New Hampshire increased 880 percent over the last 2 years—that increase of New Hampshire-produced goods going into Peru. We started at a very low base, but a couple of corporations I am familiar with have significantly expanded economic activity in Peru and, as a result, the opportunity. So there are two pending agreements, one of which we extended, the Indian Free Trade Agreement and Drug Enforcement Act, and the other the Peruvian Free Trade Agreement. I especially think we need to address the second one.

Peru has a government that is more market oriented, that is not pursuing nationalization or quasi-nationalization of any foreign investors there, as has happened in Ecuador and Bolivia. Therefore, we should be sympathetic to that government. This agreement is not going to significantly expand issues that are international in the sense of the free trade bite, and we have those issues with China, obviously, and Southeast Asia. To the extent there are environmental and labor issues with other countries, that is not in play relative to Peru. That is not that big an economy. The Peruvian agreement has been caught up, unfortunately, in this bigger contest in the Congress, and in the popular opinion of

American political culture, on the issue of the bigger issue of free trade. We should try to separate it and move the Peruvian Free Trade Agreement forward promptly, if we can, recognizing that it will significantly improve our relationship with Peru and, more importantly, be a statement in the part of the world that we need to have a statement that we are committed to market forces in the face of what is clearly not occurring in Venezuela, which is where you are seeing massive nationalization and a compression and flattening of market forces and a flattening of democratic forces, and that is an issue about which we need to be concerned.

If we can assist Peru and Bolivia and Ecuador in being more economically successful in using a market-oriented model, that is going to undermine the capacity of Venezuela to export their form of populace socialism, which in the end is going to lead, if they are successful, to undermining the quality of life throughout South and Central America.

So it was, in my opinion, a very worthwhile trip. I learned a great deal and met a lot of interesting people. We had the opportunity to meet extraordinary people who worked in our State Department. Each one is a very talented and dedicated person. The people in the Peace Corps are extraordinary. The people working in the AID and microlending projects are doing good work and, of course, the government officials of each country, including the incoming Presidents. It was very valuable. I congratulate the majority leader for pursuing it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I join with my colleagues who were part of the delegation to Bolivia, Ecuador, and Peru. I also salute the majority leader, Senator REID, for making as his first trip as majority leader one to these countries in our hemisphere. I think it sent a very important signal to those countries that America is interested in them, that America cares about them, and that we want to improve relations with them. It did make an impression.

In country after country, people told us they could not remember the last time a Senate delegation from the United States had come. They could not recall a delegation of this size and this significance coming. You could tell it made an impression.

Now, why was it important to go? I believe it was important to go because, first, we see Mr. Chavez, the head of Venezuela, attempting to put together an anti-American bloc in our Southern Hemisphere. Even a casual observer can see that is being attempted.

After going to these countries and meeting with the Presidents of each—President Morales, President Correa, President Garcia, and their cabinets—meeting with our Ambassadors in each of the countries—our outstanding Ambassador to Bolivia, Philip Goldberg, our Ambassador to Ecuador, Linda Jewell, who impressed us all with her professionalism, and our Ambassador to Peru, James Struble, deeply knowledgeable, someone who has had wide-ranging experience all around the world—I can tell my colleagues that one of my impressions from this trip was the absolute excellence of our Foreign Service people in each of these countries. They were superb.

But I was also deeply impressed by how serious Mr. Chavez is about putting together an anti-American block. In one country, he is buying 30 radio stations, putting up 30 radio stations to influence public opinion. In other countries, he had interceded in the elections—some directly, others indirectly—in order to try to achieve a result. In fact, in Peru, he went so far as to openly endorse the candidate who lost to Mr. Garcia.

It is very clear, if one goes country to country—Bolivia, Peru, and Ecuador—that Mr. Chavez is working actively and, I might say, hand in glove with the Cubans, to try to influence outcomes there. We see, and have seen in recent weeks, Mr. Chavez take a series of steps, in terms of expropriation, that I think ought to send a message about his intentions.

This delegation consisted of the majority leader, Senator REID, Senator DURBIN, the majority whip, Senator BENNETT, at the time of the trip the chairman of the Joint Economic Committee, Senator GREGG, at the time of the trip chairman of the Budget Committee, and Senator SALAZAR, who really did light up the faces of people in these countries as he speaks such perfect Spanish. One could tell what a difference that makes. My wife speaks some Spanish as well. Of course, Senator SALAZAR's wife is very fluent in Spanish. One could see how it lit up people's faces when those three members of our delegation spoke Spanish.

In addition to the question of Mr. Chavez and his plans to create an anti-American bloc there were other important reasons for this trip. On trade, we have the Andean Trade Preferences Act that will expire. It was only extended for 6 months in the last Congress. Make no mistake, that Trade Preferences Act is critically important to the economies of these three countries. Literally, hundreds of thousands of jobs in those countries are at stake if the Andean Trade Preferences Act is not extended.

I know there is some controversy attached to it, but if one sees the potential outcomes of a failure to extend the Andean Trade Preferences Act, one can see that the pressure for more people to come to this country will intensify and intensify dramatically. That is not in our interest. We already have millions of people from these three countries who are in our country, many of them illegally. That is a fact. If we want millions more to come, one way to assure that is to turn a blind eye to what is needed for those countries to have a chance to suceed.

In country after country—these three countries—we learned that half the people are living on less than $2 a day. We are talking millions of people living on less than $2 a day. We saw poverty that was akin to walking back into time. People are living at a level of subsistence that is almost unimaginable, certainly unimaginable in our country. We have areas of great poverty, but to see people living literally in hovels and huts without electricity, without a clean water supply, other than a river flowing by, without sewage, without anything other than the most meager subsistence kind of life is jolting. A dramatic proportion of their populations being in that condition sends a very sobering signal about the challenge facing this hemisphere. So I think it was very important that Senator REID chose as his first trip to go to countries such as Bolivia. Bolivia is the second poorest country in our hemisphere. Only Haiti is poorer.

One of the reasons we learned that delegations are not necessarily eager to go to these countries is because they are at 13,000 feet, 11,000 feet, and it takes a little adjustment to get used to it. One spends part of the time walking around with a headache. These are not places that are the first on most people's list of where they want to go. The fact that Senator REID chose this as the first place that he would take a delegation sent an important message.

Not only do we have this challenge of Mr. Chavez in Venezuela and the question of the Andean Trade Preferences Act that runs out because it was only extended 6 months in the last Congress, we also have the free-trade agreement with Peru pending. That is a controversial matter. We understand that. In the House and the Senate, that is a controversial matter. We have been assured by the trade ambassador's office that they will seek to negotiate some of the labor provisions of that agreement in order to make it more acceptable and have a greater chance of passage. I welcome that indication from the trade ambassador's office, and I hope they pursue it aggressively.

Still another important reason for this delegation going to Bolivia, Ecuador, and Peru is, of course, most of the illicit drug traffic comes out of the Andean region. Bolivia is increasingly a factor. Most of their product has not come to the United States, as Senator GREGG indicated, but we all know that the drug trade, once it rears its ugly head, has spillover effects everywhere.

Peru, obviously, is an important drug-trafficking location, and President Garcia assured us of his absolute commitment to fight the drug trade. In fact, they told us of a commitment they had made in their budget to spend their money combating illicit drug trade in their country because they recognize the toxic and corrosive effect it will have in their society.

We should salute President Garcia for stepping to the plate and committing funds in a place that is very hard pressed for money, as we are in a different way, that they are committing their own money to combating the illicit drug trade and at some substantial risk to themselves. Let's be clear, those drug cartels are vicious, they are murderous, and they are not averse to taking lives from those who oppose them.

I want to indicate one exchange we had that I believe gives an example of why it is important to do this kind of outreach.

In Bolivia, we heard rumors, discussions that the Government there believed there was a plot by the United States to destabilize the Morales Government. When we met with President Morales, I raised that issue with him. I said: We have heard repeatedly you have concerns that there is a move by our Government to destabilize yours. I was able to tell him that our delegation had quizzed all aspects of our Government very closely on that question before we went into the meeting with him, and we were assured in significant detail that there is no such plan by our Government to destabilize the Morales Government, that, in fact, there has been no discussion of any move to destabilize his Government.

He became very animated at that point and went through a series of examples of events that told him or at least that gave him concern that perhaps there is a plot by our Government to destabilize them. He was very specific. He talked about an American who went into the country and set off bombs in La Paz last year. He gave as a second example of American students who had taken his picture when he was with President Hugo Chavez of Venezuela. He believed that was perhaps part of an American Government enterprise to spy on him. He cited the example of his Vice President being denied boarding rights to an American airliner.

He felt all of these events were indicators—at least indicators to him—that perhaps the United States was seeking to destabilize his Government.

Ambassador Goldberg was able to go through each of these examples with him and give him answers as to why these events had nothing to do with the United States. In the case of the American who set off bombs in La Paz, this is somebody traveling on a world federalist passport, illegal documents, had nothing to do with the United States—in fact, was an unstable person and recognized as such by our Government.

On the question of the pictures being taken of President Chavez and President Morales, our Ambassador indicated that these were people who were fans of the two and were simply tourists taking pictures.

On the question of boarding being denied the Vice President on an American airline, the Ambassador was able to point out that our Government then moved to make it right by providing our aircraft so that the Vice President of Bolivia could make the trip to the United States.

I believe this trip was important in sending a signal. It was an important chance to communicate clearly and directly our interest in the region and our desire to improve relations. I am not naive. I don't think one trip is going to change the course of history. We know that there are serious challenges on our Southern border, but reaching out, talking with people, indicating that we have an interest in improving relations, sending a signal that the majority leader of the Senate, in his first foreign trip, is coming to these countries—impoverished countries, countries that are not exactly on the list of countries that people might visit—I think was important and productive.

I thank the majority leader for leading this delegation. I thank the other Members. My wife and I found it an exceptional group of people. The people who were on this delegation—Senator REID, Senator DURBIN, Senator BENNETT, Senator GREGG, and Senator SALAZAR—did an exceptional job of representing this country.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, as we have a debate around here about ethics and congressional perks and all of the rest of those issues, I am interested to find some Members of my own party, at least in the other body, boasting that they do not even have a passport, that they are so focused on their jobs that they don't do any foreign travel at all. When I was a newly elected Senator, the then-Republican leader, Bob Dole, took me and a number of other freshmen up to New Jersey to spend a day with former President Richard Nixon. Whatever you might think of Richard Nixon, I think you might confess he had a grasp of foreign affairs that was perhaps unparalleled. And he will be remembered, along with his other problems, for his opening to China, for his level of detente with Russia, and the other things he did in the foreign affairs field.

As we sat with him, one of the first things he said to us was: You cannot do your jobs as Senators if you do not travel. You need to be overseas. You need to be in these other countries. He said: I know the press will criticize you for it, but it is essential that you do it.

I have taken his advice. I have discovered he was right. The press does criticize us for it. There were articles in the Washington Post saying: What are these people doing viewing Inca ruins on a holiday at taxpayer expense, as if the whole purpose was some kind of congressional junket. And there would sit some of my friends in the House, smug in their assurance they didn't even have a passport and they were never going to be criticized for doing this.

The fact is, Nixon was right—not only for the things we learn when we travel but also for the messages we send when we travel. The majority leader had to go over the holiday period because his schedule was so full with other demands that this was the only time he could get away. I was honored and very much pleased when he asked me to come along. The fact that he made it a bipartisan delegation demonstrates his determination to make these trips have an impact both at home and abroad. It did have an impact on the six of us who were there. We have now come back with an understanding of trade issues in ways that you could not get reading a newspaper or, as one paper said: Why couldn't he find out these facts by getting on the telephone? Well, we went to a flower farm where it was pointed out to us, and we saw specific evidence, that the efforts to raise potatoes in Ecuador or corn or wheat may sound good in a political situation, as some Ecuadorian politicians are saying, but the climate and the altitude say they should be raising flowers. It gave a flavor to the whole question of free trade around the world when we realized the most efficient place to raise corn is in the Great Plains of the United States, and the most efficient place to raise baby's breath or roses is in the high altitudes and sunshine of Ecuador.

The fellow who was running the plant said to us: All we are doing is harvesting the sunshine and sending it abroad, and these people have jobs which they would not otherwise have. And this soil and this altitude means raising corn would be crazy. So let the Americans raise corn and ship it to Ecuador, and let the Ecuadorians raise roses and ship them to us.

Being there, seeing the plant, seeing the people at work, seeing the conditions they were under is worth 10,000 phone calls to have somebody try to explain it to us. But perhaps more importantly, on the political level, what Senator CONRAD was talking about, showing up in three countries that have not seen a significant congressional delegation in anybody's memory was a big deal. The press was everywhere. We were on the front page of the newspapers. We were on all of the television stations. The Ecuadorians gave us each a Panama hat. The Panama hat is misnamed. It has always been produced in Ecuador, but for some reason it got labeled the Panama hat. I wore mine. I was not an important member of the delegation as far as title is concerned, but I got on television because I was wearing a Panama hat. The Ecuadorians took sufficient pride in that I found the cameras following me around, just to say here is a U.S. Senator who is wearing one of our local products. I don't know how much good that did, but it can't have done any harm.

Senator REID handled himself with his usual good taste and aplomb in all of the exchanges and all of the press

opportunities he had. No matter how much the Presidents of some of these countries who have an anti-American background might resent the Americans, they could not, in the presence of six American Senators, including the Senate majority leader, not be impressed. They could not not be tempered in their attitudes toward the United States. And some of these Presidents who have the reputation of anti-Americanism in the meetings with others in addition to us were very gracious, and then ultimately in the presence of these Senators, outgoing in their praise of the United States and their delight at having this kind of delegation. Every single Ambassador made it clear to us that by our being there, we made their jobs easier. We made their jobs better. We demonstrated an American interest.

I was reminded when I was there on a congressional delegation of a statement I heard from the leader of a European country who opened the conversation by chiding us and saying: It has been too long since a Senator has been here. What is the matter? Aren't we important enough for you to come?

Well, if a European country that sees Senators come through about every 6 months had that reaction when it had been over a year since a Senator came, how about a South American country that had never seen a Senator in the lifetime of that particular administration.

So, again, we who were on the trip were well served by the things we learned. I have just given one quick example. My colleagues will give others. But just as importantly, the United States was well served in terms of the impact this kind of travel made on those countries that had not seen senatorial delegations.

So I intend for the rest of my Senate career to follow Richard Nixon's advice when he said: You cannot do your job if you don't travel. And I would urge those who somehow think they can get a little cheap publicity in the United States by saying: I am above that, I don't accept all of that travel—you are being derelict in your duty.

Nixon made one other comment. He said: Yes, I know the press will criticize you, but it makes great speech material when you get home. I hope that has been the case for those of us here today from whom the Senate has heard.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, let me thank my colleague from Utah for his remarks and for joining us on this trip, this official trip which Senator REID, our majority leader, put together. Senator BENNETT is correct. Members of Congress have to make a decision early in their career: Are they going to travel? I think it has been one of the most valuable experiences of my public life. I have made a point of always announcing in advance where I am going and why I am going, giving full disclosure so that people know. I can say without exception that every time I have taken a trip, carefully planned, I have come back with a better knowledge of the world and a better appreciation of our home.

I have learned things on these trips I just could not appreciate reading in a book. I have met people on these trips who have changed my life. I don't say that loosely; I mean it.

Over 15 years ago, I met a man in Bangladesh named Muhammad Yunus. We had gone to Bangladesh, one of the poorest countries on Earth. This economics professor took us out to show us that he was testing a concept from his economics class called micro credit. He believed—this professor believed—that if you loan a small amount of money to the poorest people on Earth, they would pay it back, and that that small amount of money would change their lives. A simple concept, but he was out to prove it would work, and he proved it over and over again until that concept reached 100 million people on the face of the Earth. That man was recently awarded the Nobel Peace Prize. I met Muhammad Yunus on an official trip. I have fought for micro credit ever since, and I consider him a real inspiration to my public life.

The same is true about Africa. When I finally was able to go to Africa, looking at micro credit food programs, I was hit smack dab between the eyes by the global AIDS crisis. It changed my public service. I came back and established the first bipartisan global AIDS caucus on Capitol Hill and have fought every single year to fight for more money to fight this scourge, this epidemic of AIDS. We have now put together an additional $1 billion in money added to budgets, $1 billion to be spent around the world saving lives. It has made a real difference, and it was the result of an official trip where I saw firsthand what AIDS was doing to that great continent of Africa.

So I would say to my colleagues and my critics, I believe that Members of Congress should be compelled and required to travel overseas every single year and should account for their travel and account for their refusal to travel. We have to understand that these trips help us in public service, help to project the image of our country, and help us to reach a new level of understanding with leaders around the world. This trip was no exception.

Why would we go to Bolivia, Ecuador, and Peru? Of all places on Earth, why would we go there? The first trip by the majority leader, HARRY REID, was scheduled to this region of the world, and I know that many of the leaders down there were surprised, as well, to see us. It is one of the poorest places on Earth. Bolivia is the second poorest nation in our hemisphere next to Haiti. The people there struggle to survive, the majority of them on fewer than $2 a day.

We met with indigenous Bolivian Evo Morales, now President of that country, elected in a free election. We fear that he will lean toward the Chavez model of government, and we hope he will be more open minded. This trip helped us to deliver a message. As Senator CONRAD mentioned earlier, he has misgivings about his relationship with the United States. I think what we had to say to him in our meeting with him, and Senator HARRY REID's insistence that we respect the sovereignty of his nation, was important, a very important thing for him to see.

Bolivia itself is a fascinating country in many respects—very entrepreneurial, with a sense of street justice which you don't find in many poor countries around the world. But I left there with a better understanding of the challenges facing them.

Going on to Ecuador, there was a special meeting with the President-elect, now President Rafael Correa. I felt a special attachment to President-elect Correa because in the year 2001 he received a Ph.D. in economics from the University of Illinois at Champagne-Urbana. We joked about it, and we joked about his experience living in the United States. That evening I got to meet his wife born in Belgium. She served as a special education teacher in Champagne, IL. I say that because those linkages between the United States and the new leadership of Ecuador are valuable. He saw America firsthand. He said to his friends in Ecuador: What I like about America is they don't ask you your mother's lineage. They just want to know who you are, not whether you come from some aristocratic stock.

That is a good lesson to learn in America. It is a good lesson to apply around the world. It says a lot about us and our values.

We went on to Peru as well. There aren't a lot of delegations that visit Peru. I am glad we did. President Garcia is a real friend. In World War II Peru was one of our earliest allies, and they are proud of it. Our standing with Peru as a nation couldn't be better, and it gets better by the year. It tells us, though, that we have critics around the world.

First, let me say if someone stopped me on the streets of Chicago and said: Senator DURBIN, why in the world did you go to Bolivia and Ecuador and Peru, I would ask them one question: Do you think narcotics are a problem in America? I know the answer. The answer is obvious: a big problem. Not just a problem for law enforcement but for families and children, a great expense and a great danger caused by these narcotics, and the Andean region of the world that we visited supplies 100 percent of the cocaine that comes to the United States.

When Senator REID and Senator BENNETT and others and I went to these countries, we sat down with our Ambassadors, we sat down with the Drug Enforcement Agency, we sat through classified briefings and talked about our cooperative efforts with these nations to stop this flow of narcotics.

That is a priority for this Senator, and I am sure it is a priority for many others. By meeting and encouraging these leaders to continue to cooperate with the United States, I think it is going to help to make our Nation safer. When we hear firsthand from the President of Bolivia that he believes he is being shortchanged in bilateral assistance from the United States compared to other countries, it is a legitimate point and one that we brought home and one on which we will follow through. We want to make sure the flow of narcotics is reduced. We want to make America safer, reduce drug crime, and it starts with an understanding between Senators and leaders in these countries that we have the same goals.

Let me say one thing before I turn it over to our majority leader. How do we project the image of the United States? We believe that five or six Senators bringing that message is an important part of it but a tiny part of it. When we visited Bolivia, Senator REID, I believe, asked the question: What is the presence of Cuba in Bolivia? The answer is an important one for us to reflect on. Today, out of about 20,000 medical doctors in Bolivia, 1,500 come from Cuba, another 5,000 classroom teachers come from Cuba. When we asked, in Bolivia, our Ambassador what are we doing, he said the United States is making substantial investments in infrastructure. Stop for a moment and think about it. Which version of the world, which message, will have more impact: A message delivered to a person in Bolivia in a clinic or a classroom or a message delivered on a sign next to a stretch of concrete? Not to diminish the importance of infrastructure, but the fact is those Ambassadors of Mr. Castro's view of the world are going to have an impact on the people they help far beyond what impact we will have by building this infrastructure.

Senator REID makes it a point on his trips and I make it a point on mine to meet with Peace Corps volunteers. We had great meetings in Ecuador. Some of these great American kids—I shouldn't call them kids; young men and women, some not so young—who are Peace Corps volunteers literally spent over 12 hours on an overnight bus to make it to a luncheon. We had a great time. We talked. I had a chance to meet a couple of them from the State of Illinois. Andrew Wiemers from Galesburg was one of them. We talked about the challenges we faced, and we talked about how proud we were that they were, for little or no money, giving 2 years of their lives to tell the American story by giving, by helping. They are making a difference. But around the world, there are only 7,000 Peace Corps volunteers. I think we can do more, and I think we need to do better. We can stretch ourselves and stretch our message out to parts of the world that have the wrong message of the United States.

When John Kennedy was President, he took a hard look at Central and South America for the first time, understanding that in the history of that region, many times our Government and private interests in the United States have exploited it. He created a new opportunity. He called it the Alliance For Progress. And President Kennedy's name is sacred now in this part of the world because of his recognition that they were not just our neighbors but our friends and potential allies.

We have to renew that conversation. It starts with official trips such as these. It starts when we bring our message back to the Secretary of State, Condoleezza Rice. But it can't end there. We have to make sure the legislation we consider, the policies of this country, and our relationships continue to grow.

I will say to those who criticize the official trips by Members of Congress, they don't understand the world in which we live. We have a special responsibility to learn about this world, to tell our message to people around the world and come back with our knowledge and share it with our colleagues. It is important for us as Members of Congress to spend time together in these settings. It builds friendships and alliances and relationships that on the floor of the Senate I have already seen in a few short weeks have paid off. That level of comity, that level of dialog, leads to a more civilized Senate and a better work product at the end of the day.

I thank Senator REID for inviting me to be part of this trip, and I yield the floor.

Mr. REID. Madam President, how much time does the majority leader have in morning business?

The ACTING PRESIDENT pro tempore. The majority has 5½ minutes.

Mr. REID. Madam President, I ask that the time of the minority be extended. I will complete my remarks, if not in 5 minutes, shortly thereafter. But whatever time I expend, I ask that time be given to Republicans so they have a matching amount of time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, I so appreciate the statements of my colleagues who traveled with me to South America. As has been indicated, Bolivia, if not the poorest country in this hemisphere, is the second poorest. You land in an airport, the highest airport in the world—13,400 feet. As my distinguished friend, the Senator from Utah, said, President Nixon said that people should travel, Members of Congress. I use as an example Ronald Reagan. Ronald Reagan was an anti-Communist, and that is an understatement, but Ronald Reagan always spoke to his enemies. But for Ronald Reagan's insistence that there be bilateral negotiations with the Soviet Union on a constant, frequent basis, I am not sure the Cold War would have ended. Not only did he personally meet with the Soviet leaders time after time, people working in his State Department were in constant contact with the Soviet Union.

Members of Congress should travel. There is no better example than these three countries to which we traveled. They are begging for the attention of the United States, and they are getting no attention. They are not begging for the attention of Venezuela and Cuba, but they are getting lots of attention. As a result of that, they have a significant amount of influence where the United States should be the one exerting the influence.

They want us to be involved. We should be involved. Ninety percent of the cocaine in the world comes from the Andean region. Shouldn't we be involved? But we are not. We set up programs to help them fight the illicit growing and production and transmission of illegal narcotics—and we are cutting back on those moneys. They are limited amounts, anyway. These little democracies cannot afford to do this on their own. It is unpopular for them to do that. The President of Bolivia was the head of a union of coca farmers. He wants to fight the illicit drug trafficking, but he needs our help, as does the President of Ecuador. The most biodiverse nation in the world is Ecuador.

The President of Peru loves America. He was effusive in his praise for America. Why can't we help more?

I wish to mention a couple of things. First of all, the hidden heroes of our Government are our Foreign Service officers. I have been in Congress now going on 25 years. My first tour of duty was in the House of Representatives. I was a member of the Foreign Affairs Committee and learned to travel at that time, and rightfully so. I traveled with great chairmen, such as Clem Zablocki from Wisconsin and Dante Fascell from Florida.

I have come to learn that our diplomats, our Foreign Service officers, are the cream of the crop. To become a Foreign Service officer, you have to be very smart and very interested in what goes on in the world. They are the best. They are wonderful people. Every place I go when I travel, I tell these Foreign Service officers something they don't hear very often: They are the difference between America having relations with these countries and not having them.

Ambassadors to these three countries are great human beings. Philip Goldberg in Bolivia—what a tremendous job he is doing, working day and night to improve relations between our country and Bolivia. In Ecuador is a distinguished woman who has a great diplomatic career. She has a smile that is contagious—Linda Jewell. She is doing great work for us in Ecuador; and in Peru, James Curtis Struble, a real professional. I have so much warmth for the work these people do. They go to the remote parts of the world. Every time I meet an ambassador, I say: Where have you been? And you should hear where they have been—the most

remote places in the world, starting off as a political officer, economic officer, places where they handle visas, and they work their way up through the ranks. These Ambassadors are similar to a four-star general. I think we only have 140 Ambassadors, and they are the best, the cream of the crop. If you see a person who has been appointed Ambassador through the career State Department offices, they are the best. They are all Americans. They are generals; they are admirals. I so admire the work they do.

Then, as Senator DURBIN mentioned, every place I go, I talk to the Peace Corps volunteers. We only have, in the world, a little over 7,000 of them. We should have 70,000 Peace Corps volunteers. A woman from Reno, NV, traveled 20 hours to meet me in Ecuador, to have lunch with me in Ecuador. This is her tour of duty as a Peace Corps volunteer. One Peace Corps volunteer from Nevada has a master's degree in biology. She works in public health. Another Foreign Service officer from Nevada works with troubled youth. She showed me her pictures. Her father came to visit her. He lives in New York. He came to see her and where she lives, and when he saw her, he started crying. He said: I expected more than this for my daughter. After he left, after visiting his daughter, he cried with joy, recognizing what this woman does for mankind. That is what Peace Corps volunteers do.

This was a wonderful trip. We need to compete with Cuba and Venezuela in this part of the world and other parts of the world or we are going to lose these democracies.

I have to be very candid with you, Madam President. The snide remarks, the cute little things people write in newspapers about trips taken by Members of Congress, I resent them, and I think it does the American public a disservice. I am going to continue to travel in spite of what the newspapers say because I believe I am serving my country by doing that.

With America's attention focused on the Middle East, South America does not get the attention that it deserves, particularly the three countries we visited—Bolivia, Ecuador, and Peru.

And when the world does focus on South America, it is with increased concern over the region's leftward turn, and the inflammatory rhetoric issued by several of the region's leaders criticizing our Government.

There is no doubt that there are serious problems in the region. There is also no question that the Bush administration has neglected the region, and its lack of a comprehensive policy has contributed to this current trend.

Venezuela and Cuba have been filling a vacuum, attempting to pull the region to the left.

But I do not think we should be deterred by this trend. We have much to gain through increased engagement with South America—and much to lose if we retreat from our obligations to the region. We can and must do more.

On our trip, we had productive meetings with the leaders of Bolivia, Ecuador, and Peru. Most importantly, we came away from our visit with an appreciation for the people of these three important nations, and an awareness of the key issues confronting them.

Our first stop was Bolivia, where we had an amicable discussion with President Evo Morales. Much has been said about the somewhat difficult relationship the United States has encountered with President Morales, but we were able to set forth our concerns about increased coca production, the rule of law, and the periodic expressions of anti-Americanism. President Morales also laid out each of his grievances about the U.S. We did not always agree, but we had a very honest and open exchange, and that is what close relationships require.

I was also pleased to see the devoted engagement of our Ambassador Philip Goldberg and his diplomatic team in La Paz. Their insight will be particularly crucial in monitoring the current Bolivian constitutional crisis. We will have to watch these developments closely. We truly hope that whatever happens, Bolivian democracy and Bolivian democratic institutions are strengthened, not weakened. That would be the right result for Bolivia, for the region, and for the relationship with the United States.

Then it was on to Ecuador, the most bio-diverse country in the world. From its snow capped peaks, to the Galapagos Islands, to the Amazon Rain Forest—Ecuador is an environmental treasure. My son spent 2 years there years ago, and to this day, still speaks of his days in Ecuador. After being there, I can understand why Ecuador made such an impact on him.

We were pleased that, although he had not even been sworn in yet, President Correa assembled his new cabinet to meet with our delegation. He seemed quite aware that Ecuador risks becoming a transit hub for narco-trafficking in the region, and vowed to take swift action to shut down the trafficking in and around Ecuador.

Ecuador is the home of the U.S. Forward Operating Location at Manta, which plays a key role in the multilateral approach to fighting the war on drugs. The mission at Manta advances the joint interest that the United States and Ecuador have in curbing the illegal flow of drugs. The American presence at Manta also contributes around $6.5 million a year to the local economy. We hope that this can be the start of a constructive dialogue on this issue, through which the Ecuadorian Government will come to realize the benefits yielded from the Forward Operating Location at Manta.

Peru, our final stop, must also contend with the problem of drug trafficking. But Peru's President, Alan Garcia, is a leader committed to meeting this challenge. We had such a good meeting with President Garcia, a pro-democracy, pro-capitalist and pro-American leader. I am very grateful for the graciousness he showed to our delegation.

President Garcia possesses a keen understanding of the dynamic of the region today, and desires to work together to combat the leftist ideology being promoted by Venezuela's Hugo Chavez and Cuba's Fidel Castro. He noted that, with Castro's possible passing, the U.S. has an opportunity to reengage in the region, and reach out to a new generation looking at the United States as a model for freedom, democracy and opportunity.

Going forward, we must remember that the U.S. and South America will continue to have its ups and downs. But all relationships do. The six of us took this trip because we know that existing relationships must be cultivated and tended to in order to keep them healthy and strong.

There is so much more we can do here at home. Our delegation intends to meet with the Secretary of State in the coming weeks to relay to her the small things the U.S. Government do to improve our position in the region. For example, I believe: we should be doing more with IMET assistance, which in addition to the training program, proves so valuable to developing longstanding relationships between military officers the United States and the IMET beneficiary; we need to increase the USAID budgets for these nations. We learned that Ecuador's aid budget will be cut considerably, from $35 million to under $20 million, and I believe that is a mistake. One thing we learned is how far a few U.S. dollars can go; and we also need to do more to support micro-lending and the counter-drug efforts of the Andean region, in order to keep cocaine off the streets of the United States. I was disturbed to learn that the State Department is contemplating significant cuts to the Andean Counter-drug Program. That, too, would be a serious mistake, and I plan on raising the issue with the Secretary of State.

Finally, I think it is important to extend the trade preferences for Ecuador and Bolivia. I also know that Peru is eager to get its Free Trade Agreement finalized, and this is something that Congress needs to address in the coming year.

Through increased trade, more robust aid and exchange programs, and stronger diplomacy to this region, the United States can help lift many people out of poverty, improve economic conditions, which would have a significant impact on illegal immigration to the United States. We would also help counteract the region's shift to the left. In short, the people of this region want stronger ties with the United States, and that is what we should aim to deliver.

The Andean region is not lost to us; its challenges provide us with an opportunity which we must seize. With more sustained engagement, we can win it back again.

I thank my colleagues for joining me on the floor to talk about this important issue today.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, I assume this starts this side's period of morning business, to be extended to what time?

The ACTING PRESIDENT pro tempore. The minority has 62 minutes.

ENERGY

Mr. CRAIG. Madam President, I come to the Chamber today to speak about efforts that are now underway in the 110th Congress to deal with an issue the American people have become tremendously sensitized to over the last couple of years—the issue of energy, the availability of energy, and the cost of energy. I believe it is important, as we look at cost and America's reaction to it, to recognize that while Americans are paying a higher price for energy today, there has never yet been a question about the availability of energy and the supply itself. I think we forget that when we paid, in midsummer, $3 at the gas pump for gas and substantially more for diesel, it was always there, it was always available, and that never became the issue.

What I believe is important for us today, in the new Congress, under new leadership in the House and the Senate, is to not only focus on the availability of energy but also move ourselves toward being a nation that becomes independent in its ability to produce its own energy—all kinds, in all ways—for the American consumer.

I find it fascinating that somehow, in the midst of all of this, we have forgotten that while the energy is still at the pump, the lights still come on when we throw the switch in our house in the morning, and America is awash in the use of energy, we have become increasingly dependent on foreign sources for a substantial portion of the very energy that moves this country. Here is a chart which I think demonstrates that. Today, arguably, we have become 60 percent dependent upon someone else producing our hydrocarbons—our oil to produce our gas and our diesel and, of course, the plastics our country uses as a derivative of that.

In this new Congress, we should focus as aggressively as we did in the last Congress in the creation of the National Energy Policy Act of 2005. We ought to now move a major step forward toward energy independence by not only encouraging the increased production of all forms of energy but looking to see if Government stands in the way of that. Is Government promoting it or are we inhibiting it and forcing those who supply our energy to progressively seek offshore sources of that supply?

The new Committee on Energy and Natural Resources that I serve on, under the guidance of JEFF BINGAMAN, recently held a hearing on who supplies the oil for the world. Is it ExxonMobil? No. Is it Conoco? No. Is it Phillips? No, even though we think it is because that is where we get our fuel when we go to the gas pump. What we found out and what many have known is that 80 percent of the world's oil supplies are controlled by governments. And they are not our Government. They are controlled by government or government-owned companies.

I recently gave a speech to a group of oil producers. I talked about petro nationalism and a growing concern in this country that the world that supplies this portion of our oil can use their political muscle but, more importantly, the valve on the pipeline of the oil supply, to determine the kind of politics and international relations they want to have with us, knowing how we have become so dependent upon that supply.

I hope we continue to focus on supply and availability instead of doing what some are saying we are going to do. We are going to punish the oil companies because they are making too much money. We are going to tax them, and we are going to tax the consumer because somehow that will produce more oil? No, no, no. That is politics, folks. That is, plain and simply, big-time politics, to show the consumer you are macho, that somehow you will knock down the big boys who supply the oil.

Ask the questions, if you are a consumer: Will that keep oil at the pump? Will that keep gas available to me? Will that produce more gas to bring down the price? Those are the legitimate questions that ought to be answered when the leadership of the new Senate says: No, we will muscle up to the big boys and knock 'em down because somehow they may be price gouging. Yet investigation after investigation after investigation suggests that is quite the opposite. That simply is not happening.

Nowhere are they going to tell you in all of this political rhetoric that I would hope would take us toward energy independence and a greater sense of energy security in our country that the new deep wells we are drilling in the gulf that produce or new oil supply could cost upward of $1 billion a well in actual expenses before the oil begins to flow out of that well and into the ships or into the pipelines that take it to the refineries that ultimately put it in the pipeline that get it to the consumers' pumps. And the issue goes on and on.

I hope that in this Congress, while some will want to play politics, a good many will focus on the reality not only of what we have done, which has been very successful in the last few years—and that is the Energy Policy Act of 2005—but go on with the business of setting goals and driving incentives that move us to energy independence. It is phenomenally important we do that as a country. Long-term investment, new technologies, clean sources of energy are going to become increasingly important.

But more important is that we can stand as a Nation and say we are independent of the political pressures of the Middle East or the political pressures of Venezuela or the political pressures of Central Europe and Russia, that now control the world's supply of oil. That is what Americans ought to be asking our Congress at this time. Are you going to ensure an increased supply? Are you going to ensure a greater sense of independence by the reality of where our oil comes from?

This is not just an issue of oil. We know it is an issue of new technology. It is an issue of cleanness. It is an issue of nonemitting greenhouse gas sources of energy because today we are all about clean energy. And we ought to be. Yet we understand the agenda for climate change is going to be a punitive one, one that would obviously distort a market's growth toward cleaner supplies. It is called cap and trade or command and control instead of saying, yes, that is the old technology. Now let's invest in new technologies. Instead of penalizing, let's create the incentives that move toward new technologies and let us then lay down the old. That is how we cause America to become increasingly energy independent. I am talking climate change.

The Speaker of the House yesterday did something very fascinating. She couldn't get the climate change she wanted out of her own committee so she has created a new select committee on climate change to be headed up by Representative ED MARKEY. I remember Representative MARKEY over the years: All antinuclear, day after day, year after year. He lost that battle. Americans said: You are not going to go there anymore. You are going to start producing energy because it is clean. Now he has been assigned a select committee on climate change.

Congressman DINGELL, who chairs the appropriate committee, said select committees are about as useful as feathers on a fish. Congressman DINGELL gets it right.

What is useful, what is important in the argument of climate change, is new technology, it is incentives, it is producing energy in today's market that is, by any dimension, cleaner than what we produced in the past. You do not penalize the producer, you incentivize the producer to make sure that they move in the direction of clean energy. When you do that, you also say, as we said in the Energy Policy Act of 2005, and as we sought to say again and again and again to the consumer, we are going to provide you with the tools to conserve, to become more efficient in your use of energy.

All of those things, in combination over the next 10 to 15 years, clearly ought to allow this country to stand up and say we have narrowed this gap; we are more independent as a Nation today in our supply of energy than we were in 2007, and we are more independent because our Government stood up, got out of the way, incentivized,

created those kinds of tools that the private sector could effectively use for an ever-increasing supply of clean energy and that we, as consumers, were given the tools to become more efficient in the use of those clean supplies of energy.

I hope that ought to be and will become the mission of this new Congress, not to play games with the politics they thought brought them to power but to realize that the American consumer still is going to ask that the gas pump be full of energy, that the light switch supplies electricity in the morning and that, hopefully, it will come in a cleaner form and it won't cost any more than it has cost in the past in relation to cost of living and inflation.

Those are the realities of a marketplace that we ought to help, not penalize. Is that politically wise to do? In the long run, it is very politically wise to do because then America can stand on its own two feet. It will not have to bow to the suppliers, such as Russia and the Middle East, and to let a dictator in Venezuela jerk us around because he has a major supply of oil. We can say: No, we supply our own. We are independent. We have been responsible in doing so, and we did it in a clean and diverse way.

It is a phenomenal challenge for us but a challenge that is important to meet.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Georgia.

(The remarks of Mr. ISAKSON and Mr. ALEXANDER pertaining to the introduction of S. 330 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.''

The PRESIDING OFFICER (Mr. OBAMA). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise to talk about energy, and I start by reminding people, as well as my fellow Senators, that in August 2005, the President signed an energy bill that was very comprehensive—probably tilted toward renewable fuels, such as ethanol, and toward conservation, such as fuel cell cars, but also a small part of it was some incentives for domestic fuel, petroleum production, for refining and for distribution and for things of that nature.

It was a very comprehensive bill because we were concerned about the price of gasoline. We were concerned about what working men and women of America were having to pay. We were concerned about national security. There were a lot of reasons for passing that bill.

But then you get into an election year, 2006, and the impression you get from the election rhetoric is that we never had an energy policy, never passed a bill, or what we did pass was only for the big oil companies, and that there was no concern whatsoever about national security, there was no concern on the part of the Senate, when we passed that Energy Policy Act in 2005, about what many working men and women were paying for gasoline and things of that nature.

And all of this rhetoric against it—or what was said about it, if anybody wanted to admit we had an energy policy passed by Congress—was that it was all for big oil. I wish to remind people that bill was overwhelmingly bipartisan. But yet during the last campaign, one political party talked all about giveaways to big oil, never talked about ethanol, never talked about conservation, that it was an energy bill that was just for big oil and for big corporations, making the other political party out to be nothing but for big corporations, as opposed to what our incentive was: to drive down the price of gasoline and to have an adequate supply of gasoline and not be dependent so much upon foreign sources of oil, which was our motivation.

So I am here, now that the House of Representatives is working on a bill that deals with energy policy, and particularly to repeal what was referred to in the last election as ''sweetheart tax deals for big oil'' that were included in that Energy Policy Act of 2005, to say this bill that we passed was very well balanced for ethanol, alternative energy, conservation, with a small part of it for domestic oil production, and how intellectually dishonest it is to refer to this bill as a giveaway to big oil.

I will use some statistics to back up what I am referring to. At the time we considered the Energy Policy Act of 2005, I was chairman of the Senate Finance Committee because my party was in the majority. So I played a central role in developing the tax title, along with my colleague, Senator BAUCUS. So, in fact, it was a very bipartisan bill. In fact, Senator BAUCUS and I produced, on a bipartisan basis, this comprehensive tax package that included provisions to increase domestic energy production, increase energy efficiency, and increase the development of alternative and renewable energies.

On the whole, I think the effort was a success. All you have to do to know it was a success is to look at the explosion in the building of ethanol plants throughout the country—most of them in the Midwest but throughout the country—as people are going to alternative energies, renewable fuels now because ethanol is made from crops that are growing from year to year. So I think the effort was very much a success, and that is one small part of it being a success.

The Senate tax title was supported unanimously—I wish to emphasize unanimously—because there, at that time, were 11 Republicans and 9 Democrats on the committee. It came out of our committee unanimously. This bill, which during the last election was talked about as a giveaway to big oil, came out of our committee unanimously and eventually passed the Senate 85 to 15. And the conference agreement, ironing out the differences between the House and the Senate, passed by a margin of 74 to 26.

So throughout the whole process it was bipartisan, that this was the answer to the energy problems facing the Nation—not that it was the end-all and be-all, but it was a very comprehensive effort and a successful effort to solve the energy problems of our Nation.

The entire tax package that was in this bill, the Energy Policy Act of 2005, had a budget score of $11.1 billion over 10 years.

According to the nonpartisan Congressional Research Service, $2.6 billion or 18 percent of the package was for oil and gas production, refining, and distribution. Distribution isn't always by the big oil companies. So 18 percent—that is why I said our bill, passed in 2005, signed by the President, was overwhelmingly tilted toward renewable fuels and toward conservation, not toward domestic petroleum production. According to the Joint Committee on Taxation, the tax title of the Energy Policy Act actually raised taxes on oil and gas companies by at least $224 million.

Understand, this was described in the last election as a giveaway to big oil. Yet nonpartisan staff said that oil and gas companies ended up paying $224 million in new taxes. In the last election, the tax title was characterized as tax giveaways to big oil, anywhere from $9 billion to $14 billion. How do you get $14 billion, if you want to say it was 100 percent for big oil instead of 18 percent? How can you say a bill that was scored at $11.1 billion could end up being a giveaway of $14 billion? It doesn't add up. And figures don't lie.

At a time of record high gas prices last year, the other side accused the Republican majority of failure of leadership. They said it was time to rewrite the Energy bill and stop the billion dollar tax giveaways for big oil, the same kind of misleading insinuations I have been referring to on another issue they had in the last campaign, about the fact that we ought to negotiate with drug companies to get prescription drug prices down, when we are already doing that, as I pointed out in some speeches last week. For the 24 most-used drugs by seniors, the plans that are negotiating with the drug companies have negotiated prices down an average of 35 percent.

Getting back to energy, during the same campaign cycle, Members on the other side sold the taxpayers a bill of goods. They committed to repealing all the tax giveaways to big oil that the Republican Congress included in the Energy Policy Act of 2005, which ended up with $224 million more coming in from oil and gas. With the results of the November election, I presume they believe they were given a mandate from the voters to take away all of those ''tax giveaways''—the words they used—in that bill. We heard the arguments over and over, both here on the Senate floor and across the country on the campaign trail. But now that the debt has come due, it is time for the new Democratic majority to deliver on

their promises to the American people. So what have they come up with to repeal? How much money are they going to take back from big oil to alleviate consumer pain at the pump? Just one provision—that is right, one provision.

After all the demagoguery against our party and the Energy bill that passed by an overwhelming bipartisan majority, supposedly because of ties to big oil, are they accusing the Democrats who voted for it of ties to big oil as well? And they are going to repeal what? One single tax provision enacted in the Energy Policy Act signed by the President in August of 2005. Of course, that is only half the story. It turns out this outrageous ''tax giveaway'' to big oil is scored by the Congressional Budget Office to save the U.S. Treasury $104 million over 10 years, not the $14 billion that was the outside figure used during the campaign, not $1.4 billion but $104 million.

I am a family farmer from New Hartford, IA. I know $104 million is still a lot of money. But it turns out to be less than 1 percent of the entire package of the energy tax incentives included in that Energy Policy Act that came out of my committee on a unanimous vote, all Republicans and all Democrats, and passed the Senate in an overwhelmingly bipartisan manner. So in a desperate attempt to increase the size of the tax penalty on domestic oil and gas producers, they have also included the repeal of the oil and gas industry's eligibility for the manufacturing income tax deduction. That is not just for oil and gas; that is for all manufacturing in America. This was another bill, in 2004, that passed overwhelmingly with a bipartisan majority. The American JOBS Creation Act of 2004 was a new law supported by 69 Senators—that is bipartisan—that contained far-reaching measures to revive the manufacturing base in America because of outsourcing.

We did that by cutting taxes so that the cost of capital is competitive with the cost of capital overseas, so we don't lose jobs overseas. We also created incentives for people to invest in the United States instead of investing overseas. It devoted tax benefits to American manufacturers in the form of a 3-percentage-point rate cut subject to the payment of wages to their employees. If they didn't hire more people, they didn't get the benefit. Remember, it was called the Americans JOBS Creation Act. This manufacturing tax cut goes to large and small corporations, family-held S corporations, partnerships, sole proprietors, family farmers, and cooperatives. If you manufacture here, you get the tax cut here. If you manufacture overseas, you don't get the tax cut. It was only for manufacturing in the United States, and it was only for U.S. manufacturers that paid employees' wages. It was not for manufacturing offshore and it was not for folks who only manufacture and hire overseas.

In defining U.S. domestic manufacturing, Congress included in the definition all things that are extracted or grown, including what the family farmers grow. That means that all domestic minerals and the people who produce domestic minerals receive benefits. And that would include extraction of domestic—meaning here in America—oil and gas and the production of products made out of our own oil and gas.

It seems very strange to me that if you want to become less dependent upon foreign oil, the first thing you would do, in your first 100 days being in the majority for the first time in 12 years, is to increase the taxes by 3 percentage points on domestic production of oil and gas, which was part of the American JOBS Creation Act of 2004, which passed in a bipartisan majority in the Senate.

In addition, the House proposal also increases the taxes on all refinery products. That means your home heating oil and your farmer's diesel used to run the machines that harvest the crops. In addition, fertilizer is a primary product of natural gas, so midwestern family farmers are going to be hurt and not helped by any of this proposal. That is what is coming out of the other body to this body to consider. Maybe because it is represented by so many people from the big cities of America, they don't realize food grows on farms. It doesn't grow in a supermarket. Maybe they don't realize what they are doing to the American farmer. But we don't need the cost of our anhydrous ammonia, which last summer was $550 a ton compared to about $250 a ton 2 years ago—so we have fertilizer to grow our crops—to be driven up still more.

In the 100 days of the new majority, this is what they are doing to the American consumer, the American farmer. All of this in the new House majority so they can rewrite and adopt a campaign promise to cut tax benefits to big oil. It is an example of a problem they made up that now they have to deliver on. In the process, they are going to hurt the family farmers, hurt the consumers, and cut out one of the things this body adopted in the JOBS Creation Act of 2004, to create manufacturing jobs in America, incentives to invest in America so that we don't have outsourcing.

If they wanted to get back at Exxon—that is big oil, if there ever was big oil—they missed the mark. The people who produce here in the United States are the same people you go to church with and your kids see in school. If you want to become more dependent upon foreign oil, then you should be happy with this proposal coming out of the first 100 days of the new majority in the new House of Representatives. If you want to create incentives for the production of U.S. lower 48 domestic oil and gas, then this quite obviously is the wrong policy, all for a campaign gimmick, all for campaign pandering. That is not right, to teach the family farmers and the consumers of America, who are already paying enough for their prices and are suffering from high energy costs, to do more by taking away this 3-percent point tax incentive we gave for investment in America to create jobs in America. If it is made in America, you get the benefit of it. If it is made overseas, you don't get the benefit.

Granted, there were also three provisions relating to royalty relief that were included in their bill. Two were included in the bipartisan Energy Policy Act, and one seeks to remedy an error caused by the Clinton administration bureaucrats in the Interior Department of 10 years ago. I will leave those discussions to the people who are best prepared to answer those, my colleagues on the Energy and Natural Resources Committee, who have jurisdiction and expertise in this area.

I also point out to my colleagues and constituents that I am not beholden to big oil or the energy industry. In the years I have been in the Senate, I have battled big oil, because they hate renewable fuels that we call ethanol. They don't want you burning anything in your gas tank that doesn't come out of their oil wells. They don't want you burning in your gas tank those things that come off the farmers' fields in the way of corn from which we make ethanol, also for all of the sorts of things that they don't like, what we call energy conservation and forcing electric utilities to use renewable portfolio standards within the industry. I have supported biodiesel. I have supported ethanol. I have supported renewable portfolio standards—all things that big corporations in America don't like. But we have been successful in doing it.

I have relentlessly chased the bad players in the petroleum industry at all levels, both legal and illegal. As chairman of the Senate Finance Committee, we closed over $10 billion in tax provisions that the President signed into law, shutting down fuel fraud and folks stealing fuel excise taxes from the Highway Trust Fund. These are real provisions, collecting $10 billion of taxes that were evaded that will no longer be evaded.

So what are the facts concerning the track record of the previous Congress and the President of the United States on energy policy and promoting renewable and alternative energy, and what is wrong with the rhetoric of the last campaign that led people to believe it was something different than we ended up passing? We extended and expanded the production tax credit for electricity produced from renewable sources such as wind, biomass, geothermal, and landfill gas. We enacted tax credits for the purchase of hybrid fuel cells and advanced lean burn diesel vehicles. We enacted incentives for the production and use of ethanol and biodiesel and the infrastructure to dispense that fuel.

The distinguished Presiding Officer contributed the idea behind doing that, so we would set up more biodiesel pumps at stations through the 30-percent tax credit that the Senator from

Illinois thought of. I thank him for that idea. I was very happy to work with him on that. That is the distinguished Presiding Officer. We enacted the first ever renewable fuel standard for ethanol and biodiesel that has led to fantastic growth in the industry.

With regard to energy efficiency, we enacted incentives for efficiency improvement for new and existing homes and commercial buildings and for energy-efficient home appliances.

According to the clock in the other body, we are still somewhere within the first 100 days of the new Democratic majority, and again we see another example of legislative action not living up to campaign rhetoric. A word of caution to voters across America: Beware of the goods that you might be sold during an election. That applies to both Republicans and Democrats as far as I am concerned. In the case of repealing the ''big oil tax giveaways''—those are words used in the last election—from the Energy Policy Act, it turns out in fact to be a pig in a poke.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, we are debating an important piece of legislation. The American people are rightly frustrated with the process Congress uses to consider. That is to say, it is not done in the light of day and with full transparency. They believe lobbyists have too much influence on this institution. Last year, we tried to pass a lobbying reform bill to help clean up some of the ways that we do legislation around here. We were not able to come to an agreement between the House and Senate, so there is another effort underway this year.

I think this legislation is very important. Republicans support reform. We have been offering relative amendments to make Congress more accountable to the American people. More transparent. These amendments will address the problems that have existed for some time. The majority, however, is trying to end the debate on this bill. They are not willing to let the Senate consider some very important amendments that will improve how Congress handles the people's business. I will mention a couple of my own amendments to this legislation in just a moment. I would say that the majority would be right to cut off debate, if Republicans were strictly trying to obstruct passage of this bill. Then their parliamentary move would, I agree, be appropriate. But the minority is not being obstructionist. We have legitimate amendments that deserve to be debated and voted on. Senators deserve to be heard. It is not right for the majority to try to railroad this piece of legislation through this body without giving Members their right to have amendments debated. Particularly when those amendments are not being used as a delaying tactic. I simply do not believe that is the way this institution should be run. That is why, last night, 45 Senators voted against what is called cloture. That would have brought debate to a close and would have brought any attempt to improve this legislation to a close.

Let me give you two examples of legitimate amendments that have been offered and why they are important to be debated and voted on.

The first amendment I want to talk about addresses provisions where this bill falls short, particularly with respect to transparency and to allow the American people to observe how this Congress operates. Section 102 of this bill is an example of where the bill falls short. I commend the authors of the legislation for including this section. The intent is to stop the conferees from putting unrelated pieces of legislation in a conference report. Too often in the past conferees have inserted provisions in the conference that were completely unrelated to the bill. This simply is not the way the Congress should be legislating. The Senate should not bypass the regular legislative process. When we do, it means we are passing legislation, in some cases, without even holding a hearing. This process also denies Senators the opportunity to debate and offer amendments to improve unrelated provisions. But the most offensive part of this is that it is done outside of the public's view.

In a democracy such as ours, Congress should do its business in the full light of day. The entire Senate should consider, debate, and amend legislation in full view of the American public. I often hear from constituents who have concerns about legislation we are debating on the Senate floor. That feedback has always been important to me. I have always appreciated Nevadans who have taken the time to participate in the legislative process. So when we insert unrelated matters into a conference report, we deny the American people the chance to observe what we are doing, to participate in that process, and to be heard. That is why I fully support the intent of section 102 of the bill because the intent is to fix that which is broken.

In my review of this section, and after consulting with the Senate Parliamentarian's Office, I don't believe that the current language in this bill will work. This section will not change what we are saying needs to be changed. What do I mean? First and foremost, section 102 states that a Senator may object to a conference report that contains provisions that were not considered by the House or the Senate. That sounds good. As written, this sentence reads how rule XXVIII actually operates; that is to say that the point of order is raised against the entire conference report and not the offending provision or objectionable item in a conference report.

While the intent of section 102 is to allow a Senator to object to a single provision that is added into the bill, the bill is not written to allow that. My amendment makes it clear that the point of order is to be raised against an individual item that is in the conference report and not the conference report itself. In other words, this small, simple change is absolutely critical to the process because if you want to strip something out of the bill, without my amendment you cannot strip a single provision out of the bill. You raise a point of order and it brings the entire conference report down. Why is that important? Well, let me tell you why it is important.

For instance, we had a port security bill last year. There was an unrelated item put into the port security bill. There may have been objections to that item, but if one had raised the point of order, it would have brought the whole port security bill down. Nobody wanted to do that. It was an important piece of legislation. Without my amendment, that is the way we would continue to operate.

But that is not what section 102 in this bill states. Its intent is to be able to surgically go in and cut out a piece that is added in the dead of night, behind closed doors, in a conference report—the types of things that, frankly, most Americans find objectionable. So this is one of the reasons that we should not be passing this legislation until the Senate has carefully considered each provision of this bill. We should allow for amendments to go forward, to be debated. We should make sure that we get things in this bill right before it leaves the Senate, so that when it is joined with the House's bill, we have done the best possible job to ensure that we cleaned up the way we do our business.

I have another amendment that I want to talk about. This illustrates the other important point of why it is important to allow Senators to have their time with amendments.

The minority—the Republicans in the Senate—want legitimate amendments to improve this legislation. I believe we should have the right to offer those amendments.

The second amendment I want to talk about is to ensure that our men and women in the military, those serving in harm's way, remain our top budget priority. I want to speak about protecting defense spending from being raided and used for nondefense purposes.

Over the past several years, there have been several congressional scandals that have undermined public confidence in government. It is my sincere hope that this legislation before us will be the first of many steps to restore that confidence. The message to both parties last November was that Congress has to change the way we operate. The American people will no longer accept some of the practices of the past, nor should they. It is up to this body to change our practices, to reform how Congress does the people's business. We should ensure that our dealings are transparent, that we are accountable, and that we are honest with the American people.

The tradition of America is that we rise to the occasion. Americans have a history of meeting the challenges that we face together. Each generation has met obstacles and overcome them. For Congress's part, we must be honest and straightforward with the American people about the nature of the challenges facing our Nation.

Unfortunately, in some respects, Congress has not lived up to its end of the bargain. We have been using sleight of hand and budget gimmicks to mask our out-of-control spending habits. Over the past 5 years, Congress has been underfunding defense in the regular appropriations process in order to shift some of those funds into what are called other discretionary programs that are nondefense items.

The game being played, with a wink and a nod, is that if we underfund defense in the regular appropriations process, we will then make defense whole with what are called emergency supplemental bills. In some instances, Congress has shifted as much as $11.5 billion from defense to nondefense spending in just 1 single year. We know that emergency spending has increased substantially in each of the last 5 years.

I have a chart to illustrate this. In the years 1990 to 1993, under the first President Bush, we had a total of $115 billion in emergency supplementals. During the Clinton administration, the total was just about the same, $115 billion. Since President Bush has been in office, there have been a total of $585 billion in emergency supplementals. Now, we have had 9/11, Katrina, and we have had the war against Islamic extremists around the world, including the wars in Afghanistan and Iraq, that account for most of that spending but not for all of it.

This increased reliance on supplementals coincides exactly with the same time period in which defense has been underfunded. The effects of this gimmick are not felt just in 1 year either. Because of the way we do budgeting, called baseline budgeting, money that is shifted from defense in 1 year is really a permanent shift in funding. And, as a result, a $1 billion shift represents not only a shift of $1 billion this year, but that is put in the baseline next year and adds up cumulatively in perpetuity.

Let me point out exactly how this works and illustrate it. In 2002, $1.9 billion in new spending was shifted from the Department of Defense. That new spending is built into the baseline in the next year. The green part of the graph is from the previous year. The red part on top of that is the amount that defense was underfunded and shifted into other programs that year. Take that and shift it into the next year, and on and on, where we have a total of 4 years later built into the baseline the $29 billion that we have shifted from defense into other programs. That is one of the reasons spending is out of control in Washington, DC. What was labeled as defense spending is not spent on defense and is then being made up in supplemental appropriations bills. Which is a clever way to disguise increased spending in other places. People in Washington have talked about spending around here. They say we have held the line on spending, except for defense-related items. That is not true. We have actually been playing a smoke and mirrors game, and this chart illustrates that.

I believe what we are doing is not honest with the American people, and we have the annual budget deficits as a result of that. I mentioned before that it is important for us to be able to offer amendments. I would not be able to offer an amendment if cloture is invoked on this bill, and we should not cut off debate. This would be considered a nongermane amendment. It would not survive cloture, even though the point of this bill is to require legislative transparency. We are trying to make Congress' actions transparent and to clean up the budget process, however, the majority is trying to cut off debate on these critical reforms.

I am going to have one last chart to demonstrate the effect of this budget gimmick. The total effect of underfunding defense and playing this game has cost the American people. This last chart, when one totals the cost of this gimmick up, is $84 billion. We have shifted $84 billion by using these budget gimmicks. $84 billion that was shifted from defense to nondefense programs. Then we backfill the defense accounts with supplemental appropriations.

We need to have honest budgeting around this place. We need to be honest with the American people. If we are going to appropriate money for defense, let's do it for defense. If it has to be for some other program, let's be honest with the American people and stop playing these budget gimmick games.

If we are going to have transparency in Government, we should have transparency in Government. Accountability in government. That is what this bill is supposed to be about. It is what we are telling the American people that we intend to do. This amendment, along with the one I discussed earlier, are very important to ensure that we end the games and that we end the gimmicks. This amendment ensures that we tell the truth to the American people.

Mr. President, I yield the floor.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

OFFICE OF PUBLIC INTEGRITY

Ms. COLLINS. Mr. President, last night the Senate voted not to invoke cloture on the ethics and lobbying reform legislation we have been considering for the past couple of weeks. I come to the floor this morning to explain why I voted to continue debate on this bill to which, as the Presiding Officer knows, I am very committed and have worked very hard on in the past Congress.

First, then, let me emphasize that I remain committed to passing a strong lobbying reform and ethics bill. I have said before and I will repeat that before we can conduct the business of the people of this country, it is important that we reform our practices.

We need to strengthen the lobbying rules and the ethics rules to increase disclosure and to ban practices that might call into question the integrity of the decisions we make.

We need to assure the American people that the decisions we make are in their interests, that they are not tainted by undue influence or influence by special interests.

The underlying bill, S. 1, is the same bill that last year was the bipartisan product of the Senate Committee on Homeland Security and Governmental Affairs, which I was privileged to chair. It is a good bill and it remains a good bill.

Over the past week and a half, we have debated and voted on amendments that have further improved the legislation before us, and the Senate is making good progress. However, as much progress as we have made, this bill has not reached the point where we should invoke cloture and cut off debate.

Some observers of the Senate may not understand that invoking cloture means that all amendments to this bill that are not germane can no longer be considered. The term and test for germaneness severely limits the types of amendments that can be considered, and many of these amendments—although they are not technically germane to the bill—are nevertheless very relevant to the bill. And perhaps the most important of these amendments is the Collins-Lieberman amendment that would create an Office of Public Integrity.

I know the Presiding Officer has been a strong supporter of an Office of Public Integrity as well, as has the Senator from Arizona, Mr. MCCAIN. The four of us have worked very hard on that concept.

I strongly believe we will have failed our test of producing a truly strong and complete ethics bill if we leave out the enforcement angle, if we do not create an Office of Public Integrity to conduct impartial, independent investigations of allegations against Members of Congress.

The other provisions of this bill are very important and very good, but we cannot ignore the enforcement piece. We need an Office of Public Integrity.

I realize that leaders on both sides of the aisle disagree with me on this

issue. I realize I am not likely to prevail. But surely we deserve a vote. But if we invoke cloture before there is a vote on the amendment that Senator LIEBERMAN, the Senator from Illinois and the Senator from Arizona and I have offered, our amendment will fall. It will not pass the strict germaneness test, even though it clearly is relevant to the underlying bill. I think that is wrong. I think we deserve a vote on the Office of Public Integrity. People feel strongly on both sides about this issue. It doesn't break down along party lines. As I said, the two leaders of the Senate are both opposed to the concept. But surely they ought to give us a vote. That is all I am asking. Let's have the Senate go on record on whether this independent office should be included in this bill.

I wish to make sure, since there was a lot of debate about this last year, that everyone understands the key role that the Ethics Committee would continue to play. All the Office of Public Integrity would do is to handle the investigative stage. It would still be up to the Ethics Committee to make critical decisions on whether to proceed with the case. The Ethics Committee would decide what is reported publicly. The Ethics Committee would decide whether action to penalize a Member should be taken. It would be the Ethics Committee that would still have tremendous authority in this whole process, but it would be combined with this independent Office of Public Integrity that would ensure an impartial investigation of allegations and, thus, would help restore public confidence in our ethics system. Isn't that what this debate is all about? It is about restoring public confidence that the decisions we are making are made in the best interests of the American people. I believe that an ethics bill without the Office of Public Integrity is an incomplete response to the concerns so clearly expressed by the American people in the elections last fall.

Again, the underlying bill is a good bill. It is essentially the bill that was reported by the Homeland Security and Governmental Affairs Committee last year. We have made it even better with some of the amendments we have adopted. Let's complete the task. Let's go the rest of the way down the road. Let's create an Office of Public Integrity. But if it is the will of this body not to create an Office of Public Integrity, the American people deserve to know that also.

So I want a vote. I am not going to vote to cut off debate on this bill until we get a vote on the Office of Public Integrity. The American people deserve to know where every Member of this body stands on this important issue. There are different views. There are legitimate views both for and against the office, but we deserve a vote on this issue.

Thank you, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PRYOR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I ask unanimous consent that I be permitted to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. OBAMA. Mr. President, I would like to speak briefly on what is a roiling debate not only in the Senate but across the country and that is the President's policy with respect to Iraq. There are countless reasons the American people have lost confidence in the President's Iraq policy, but chief among them has been the administration's insistence on making promises and assurances about progress and victory that do not appear to be grounded in the reality of the facts. We have been told we would be greeted as liberators. We have been promised the insurgency was in its last throes. We have been assured again and again that we are making progress and that the Iraqis would soon stand up so we could stand down and our brave sons and daughters could start coming home. We have been asked to wait, we have been asked to be patient, and we have been asked to give the President and the new Iraqi Government 6 more months and then 6 more months after that and then 6 more months after that.

Now, after the loss of more than 3,000 American lives, after spending almost $400 billion after Iraq has descended into civil war, we have been promised, once again, that the President's plan to escalate the war in Iraq will, this time, be well planned, well coordinated, and well supported by the Iraqi Government. This time, we didn't have to wait to find out that none of this seems to be the case. Already, American military officials have told the New York Times that there is no clear chain of command between Iraqis and U.S. commanders and no real indication that the Iraqis even want such a partnership. Yesterday, Prime Minister al-Maliki, the person whom the President said had brought this plan to us, the man who is supposed to be our partner in chief for this new plan, told foreign journalists that if the United States would only give his Army better weapons and equipment, our soldiers could go home.

The President's decision to move forward with this escalation anyway, despite all evidence and military advice to the contrary, is the terrible consequence of the decision to give him the broad, open-ended authority to wage this war back in 2002. Over 4 years later, we can't revisit that decision or reverse some of the tragic outcomes, but what we can do is make sure we provide the kind of oversight and constraints on the President this time that we failed to do the last time.

I cannot in good conscience support this escalation. It is a policy which has already been tried and a policy which has failed. Just this morning, I had veterans of the Iraq war visit my office to explain to me that this surge concept is, in fact, no different from what we have repeatedly tried, but with 20,000 troops we will not in any imaginable way be able to accomplish any new progress.

The fact is that we have tried this road before. In the end, no amount of American forces can solve the political differences that lie at the heart of somebody else's civil war. As the President's own military commanders have said, escalation only prevents the Iraqis from taking more responsibility for their own future. It is even eroding our efforts in the wider war on terror as some of the extra soldiers will come directly from Afghanistan where the Taliban has become resurgent.

The President has offered no evidence that more U.S. troops will be able to pressure Shias, Sunnis, and Kurds toward the necessary political settlement, and he has attached no consequences to his plan should the Iraqis fail to make progress. In fact, just last week, when I repeatedly asked Secretary Rice what would happen if the Iraqi Government failed to meet the benchmarks the President has called for and says are an integral part of their rationale for escalation, she couldn't give me an answer. When I asked her if there were any circumstances whatsoever in which we would tell the Iraqis that their failure to make progress means the end of our military commitment, she could not give me an answer. This is simply not good enough. When you ask how many more months and how many more dollars and how many more lives it will take to end the policy that everyone now knows has not succeeded, ''I don't know'' isn't good enough.

Over the past 4 years, we have given this administration every chance to get this right, and they have disappointed us many times. But ultimately it is our brave men and women in uniform and their families who bear the greatest burden for these mistakes. They have performed in an exemplary fashion. At no stage have they faltered in the mission that has been presented to them.

Unfortunately, the strategy, the tactics, and the mission itself have been flawed. That is why Congress now has the duty to prevent even more mistakes and bring this war to a responsible end. That is why I plan to introduce legislation which I believe will stop the escalation of this war by placing a cap on the number of soldiers in Iraq. I wish to emphasize that I am not unique in taking this approach. I know Senator DODD has crafted similar legislation. Senator CLINTON, I believe, yesterday indicated she shared similar views. The cap would not affect the

money spent on the war or on our troops, but it would write into law that the number of U.S. forces in Iraq should not exceed the number that were there on January 10, 2007, the day the President announced his escalation policy.

This measure would stop the escalation of the war in Iraq, but it is my belief that simply opposing the surge is not good enough. If we truly believe the only solution in Iraq is a political one—and I fervently believe that—if we believe a phased redeployment of U.S. forces in Iraq is the best—perhaps only—leverage we have to force a settlement between the country's warring factions, then we should act on that. That is why the second part of my legislation is a plan for phased redeployment that I called for in a speech in Chicago 2 months ago. It is a responsible plan that protects American troops without causing Iraq to suddenly descend into chaos. The President must announce to the Iraqi people that, within 2 to 4 months, under this plan, U.S. policy will include a gradual and substantial reduction in U.S. forces. The President should then work with our military commanders to map out the best plan for such a redeployment and determine precise levels and dates.

Drawing down our troops in Iraq will put pressure on Iraqis to arrive at the political settlement that is needed and allow us to redeploy additional troops in Afghanistan and elsewhere in the region, as well as bring some back home. The forces redeployed elsewhere in the region could then help to prevent the conflict in Iraq from becoming a wider war, something that every international observer is beginning to worry about. It will also reassure our allies in the gulf. It will allow our troops to strike directly at al-Qaida wherever it may exist and demonstrate to international terrorist organizations that they have not driven us from the region.

My plan would couple this phased redeployment with an enhanced effort to train Iraqi security forces and would expand the number of our personnel—especially special forces—who are deployed with Iraqis as unit advisers and would finally link continued economic aid in Iraq with the existence of tangible progress toward reducing sectarian violence and reaching a political settlement.

One final aspect of this plan that I believe is critical is it would call for the engagement by the United States of a regional conference with other countries that are involved in the Middle East—particularly our allies but including Syria and Iran—to find a solution to the war in Iraq. We have to realize that neither Iran nor Syria wants to see the security vacuum in Iraq filled with chaos, terrorism, refugees, and violence, as it could have a destabilizing effect throughout the entire region and within their own countries. So as odious as the behavior of those regimes may be at times, it is important that we include them in a broader conversation about how we can stabilize Iraq.

In closing, let me say this: I have been a consistent and strong opponent of this war. I have also tried to act responsibly in that opposition to ensure that, having made the decision to go into Iraq, we provide our troops, who perform valiantly, the support they need to complete their mission. I have also stated publicly that I think we have both strategic interests and humanitarian responsibilities in ensuring that Iraqi is as stable as possible under the circumstances.

Finally, I said publicly that it is my preference not to micromanage the Commander in Chief in the prosecution of war. Ultimately, I do not believe that is the ideal role for Congress to play. But at a certain point, we have to draw a line. At a certain point, the American people have to have some confidence that we are not simply going down this blind alley in perpetuity.

When it comes to the war in Iraq, the time for promises and assurances, for waiting and patience is over. Too many lives have been lost and too many billions have been spent for us to trust the President on another tried-and-failed policy, opposed by generals and experts, opposed by Democrats and Republicans, opposed by Americans and even the Iraqis themselves. It is time to change our policy. It is time to give Iraqis their country back, and it is time to refocus America's effort on the wider struggle against terror yet to be won.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. I ask unanimous consent to speak as if in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRUG BARGAINING POWER

Mr. WYDEN. Mr. President, we all understand there has been an awful lot of heated rhetoric about this issue of Medicare and negotiating drug prices and how much savings will come about for the consumer.

I and the distinguished senior Senator from Maine have been working for well over 3 years, in a bipartisan way, on this issue. I and Senator SNOWE have been able to come up with an approach for dealing with this issue, helping the seniors of this country, helping the taxpayers of this country, and lowering the temperature of the debate about prescription drugs by showing how Medicare can be a smart shopper without setting up some kind of big Government price control regime.

Throughout this discussion over the last 3 years, Senator SNOWE and I have repeatedly put into the legislation that we have brought to the Senate a strict prohibition on establishing any kind of price control regime or any kind of uniform formulary, which is essentially a list of drugs that restricts the choices for those involved—seniors or anyone else.

What Senator SNOWE and I have tried to do is lower the temperature on this issue, to try to zero in, in a bipartisan way, on the areas where it is important for the Secretary of Health and Human Services to be in a position of trying to have some negotiations to get a break for the seniors and for the taxpayers. I will use those words specifically. We are talking about what could be a negotiation—not going in with some arbitrary price and throwing around figures of $1.20 a pill or something like that. We are talking about the opportunity for our Government to be a smart shopper, while steering clear of any price control regime. By the way, I know this was an important issue for the Presiding Officer as he campaigned to come here.

Senator SNOWE and I voted for the Medicare prescription drug program. I still have the welts on my back to show for it. But what Senator SNOWE and I said from the very outset, from the very time of the original Senate debate, is we were going to go to work on a bipartisan basis to try to fix those areas, such as the one identified by the Presiding Officer, the distinguished Senator from Rhode Island. We have set out to do just that. And in 2004, the Congressional Budget Office sent us a letter saying we were heading in the right direction.

Senator SNOWE and I said from the beginning we have to make sure that seniors and taxpayers get a good deal when we have what are called single-source drugs, monopoly drugs. These are drugs where there isn't any ability to have the kind of leverage and clout we would like to have in the marketplace.

In 2004, the Congressional Budget Office sent me a letter that there could be savings if negotiations were permitted on single-source drugs for which there is no therapeutic equivalent. It is common sense, it seems to me, when the Congressional Budget Office says there could be savings in one kind of area, we would want to add that. The distinguished chairman of the Committee on Finance, Senator BAUCUS, puts it pretty well. Senator BAUCUS says: Why don't you add that to your cost containment tool box? Senator BAUCUS has said what we need is a variety of ways to hold down the cost—he calls it, in my view correctly, a kind of tool-box approach to making sure seniors and taxpayers get a good deal. What Senator SNOWE and I have said is let's make sure that tool box that Senator BAUCUS has been talking about

zero in on this question of single-source drugs, where we do need some bargaining power.

There are some who have said the only possible way to have negotiations is if you set up some kind of one-size-fits-all national formulary. They say: The VA has one. Gosh, you all in the Senate would not want to limit the drugs available to our country's seniors.

Let me make it clear what Senator SNOWE and I are doing rejects that approach. We are not talking about a nationwide formulary or some kind of list of drugs that restricts seniors' choices.

By the way, when the former Secretary of Health and Human Services, Tommy Thompson, felt it was important to do the kind of thing Senator SNOWE and I are talking about on the drug Cipro, Secretary Thompson did not go out and set up a nationwide formulary. He didn't say: We are going to say the price of the pill is $1.27. He did not set up some kind of arbitrary price-control regime. Secretary Thompson, in his last meeting with the press when he was leaving the Department, said he wished he had the power to bargain under Medicare.

Secretary Thompson did exactly the kind of thing that I and Senator SNOWE have been talking about. He said we have to make sure that the consumer and the taxpayers get a good deal for Cipro. Secretary Thompson did not set up a nationwide formulary. Secretary Thompson did not set up some price-control regime. Secretary Thompson did not say: It is going to be $1.27 per pill. He said: Let's negotiate, let's talk, let's go back and forth as everyone does in the marketplace in Rhode Island, Oregon and everywhere else across the country. Let's ask: What are we going to do to make sure that everyone gets a fair shake?

That situation, of course, was an emergency, because we had anthrax. But as the Senator from Rhode Island has pointed out a number of times over the last few months, for a lot of seniors, trying to afford prescription medicine is kind of like having a new emergency every day.

Secretary Thompson said: Yes, we have a big emergency on this anthrax situation. I think the Senator from Rhode Island knows exactly what I see when I am home in Coos Bay, John Day, Pendleton, or Gresham, Oregon, and everywhere else. For a lot of seniors in this country, every day is an emergency with respect to being able to afford their medicine. Those seniors ought to know that their Government, in the case of the single-source drug, for example, where there is monopoly power, can bargain in those kind of instances without price controls, without a nationwide formulary. That is what Senator SNOWE and I and others, on a bipartisan basis, wish to stand up for—to help those seniors and those taxpayers.

Now, some have argued that as seniors get a better deal for Medicare, that means higher prices for everyone else. They, also, argue that negotiations would not do anything. I don't know how one can make both arguments at the same time and make sense. Those two do not connect.

What Senator SNOWE and I wish to do is have a Medicare program that is a smart, savvy shopper. By being a better shopper, seniors and taxpayers are going to save. We know that no one goes to Costco and buys toilet paper one roll at a time. They shop smart. We ought to do that with Medicare.

I was pleased with last week's Committee on Finance hearing. Chairman BAUCUS and others said it is valuable to have additional information to know whether markets for drugs are achieving the best price possible. I and Senator SNOWE have been interested in that approach as well. We know there are a variety of pharmacies out there that can offer cheaper medicines to seniors without limiting the drugs available, and we find it hard to believe that Medicare cannot do exactly the same thing. Let us give Medicare the opportunity to do exactly the same thing that people do in New Hampshire, Texas, and Rhode Island; that is, to shop smart, look for a bargain, and don't set up nationwide price controls and don't set up a nationwide formulary that restricts the kind of drugs our seniors can get.

If we work in a bipartisan way, which is what Senator SNOWE and I have been trying to do on this issue for 3½ years, we can draw a line that promotes smart shopping in Medicare without going over the line to price controls and restrictive formularies. Let us try to lower the temperature on this particular debate by looking at ways to shop smart without price controls.

In 2004, the Congressional Budget Office said it would make a difference in at least one key area I have been talking about today. I believe it would make a difference in other key areas. I am looking forward, as a member of the Senate Committee on Finance, to working under the leadership of Chairman BAUCUS, on a bipartisan basis, to get this issue resolved because, as the Presiding Officer of the Senate has noted over these many months, this is not an abstract issue for the people most involved. Those are seniors walking on an economic tightrope. We don't know what will happen to medical costs this year, but we can make sure we use every possible opportunity without price controls to make the Medicare Program a smart shopper.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent to proceed as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. GREGG. Mr. President, I rise to talk a little bit about the situation in Iraq and how we are trying to deal with this as a nation. We need to start with, when we are discussing Iraq, what are our national interests and why are we engaged there.

Our basic national interest in Iraq is the protection of America, our desire to make sure that we are projecting our purposes in a way that reduces the ability of those who would wish to do us harm in this war against us, which was declared in the late 1990s, when it was obviously brought to our shores on September 11, that in that war we are best postured to make sure terrorists, specifically Islamic fundamentalists who wish to do us harm, are not successful. That is the first purpose of our engagement in Iraq.

The second purpose, of course, is to make sure our troops, who are engaged in pursuing this war on the ground in Iraq, are adequately funded and given the support they need in order to do their job and not be exposed to risks which would occur were they not adequately funded and supported.

It has been 5 years since we were attacked. That is the good news, that we have not been attacked for 5 years. Obviously, some of that is good fortune and luck, I suspect. But a lot of that is the result of a policy which has essentially said we are going to find the terrorists before they can find us, and we are going to bring them to justice. And we are going to also try to initiate a process where we establish, in the Middle East, an attitude that respects democracy, respects individual rights, respects the rights of women, and respects the approach of a marketplace economy.

In Iraq, we have attempted to accomplish that, and much has occurred in Iraq that has been good, although, obviously, there is a lot there that has occurred that has been unfortunate, and there have been mistakes made. But the fact is, they have gone through major election processes. They have elected a government. They have had a number of elections, where a large percentage of the population participated. Women have been allowed out of the household and are participating in society.

It remains, however, a nation which is torn by religious strife and cultural and deep ethnic differences. We have not been successful in being able to resolve that and nor have the Iraqi people been able to do that through their democratic process.

But the question becomes for us—in light of the President's request that there be an increase of troops, called the surge, of potentially 20,000 troops, especially concentrated in the Baghdad area, to try to bring more stability to that region—how do we approach this as we move down the road?

Well, I think we have to, as we approach this, keep in context what is our goal. Our goal is to protect us—America—from attacks by radical fundamental Islamic movements and individuals, terrorists specifically, and to

make sure our troops, who are in the field, are adequately protected and have the support they need in order to do their job correctly.

A precipitous, immediate pullout, which is the proposal that has come from the other side in a number of different scenarios, would, I suspect, lead to a number of results which would not be acceptable to us and would undermine our basic purpose, which is to protect America from further attack and to protect our soldiers who are in the field protecting us.

How do you manage a precipitous pullout that does not immediately lead to chaos in Iraq, where the sectarian and religious violence has escalated dramatically, where the potential that a client state of Iran will be set up, at least over a portion of Iraq, where safe havens will occur and result for al-Qaida in other portions of Iraq, and where even greater numbers of people—even though that may seem hard to understand—but where even greater numbers of people may die in Iraq, where a massive civil war, potentially in catastrophic proportions in relation to the population there, will precipitate?

I do not see how you avoid those occurrences if you immediately withdraw. An immediate withdrawal also leads to the issue of what happens to the troops who are left behind. You cannot get 130,000 troops out of Iraq overnight. It is going to take, even under the scenario laid out here by the Democratic leadership, 8 to 12 months to accomplish that. And if you are doing that in a compressed time—as is proposed by the recent language that has been put forward by some of our colleagues—if you compress that time, you are going to leave some troops behind at significant risk, much more significant risk than if they have the support mechanisms they need in order to do the job right.

Is the surge the right approach? Is this concept of 20,000 troops going to resolve this? Is that going to lead us to an Iraq that is more stable? I do not know the answer to that question. I have deep reservations that that is going to accomplish that goal. I have to admit, I suspect if we are able to stabilize certain sections of Baghdad, divided into nine districts, as is proposed—stabilize them in sequence or in parallel—that as you stabilize one district, you are going to push the people who are causing the problems into another place. It is not as if they are going to disappear or even probably be, for the most part, corralled. They are simply going to move.

So I am not sure it is going to accomplish its goal. But I do know this: It is the proposal put forward by the people who are on the ground and to whom we have given the responsibility of trying to address this issue of how you deal with an Iraq in the context of the problems which it has. To take the other option is to lead inevitably to a dramatic problem that will be immediate, both for us as a nation, because it will give potentially safe haven to al-Qaida and create an Iran client state, and it will also lead to what I suspect would be a huge explosion in the area of civil war.

So although I have reservations, I, also, am not about to vote to cut off the support for the troops who are in the field. Now, I do not command those troops. I am a Senator. I am not the commander of the troops. The President is Commander in Chief. He has literally the unilateral authority to pursue this course of action, unless we vote as a Senate to cut off funding. And the practical implications of us doing that would mean that troops in the field would not have the money they need in order to undertake their own protection. That would be the result of us cutting off funds.

That is a vote I am never going to take or support because the first obligation we have is to those soldiers who are in the field. You may disagree with the Commander in Chief's position, but I do not think that as people who are charged with the responsibility of funding the troops in the field, that you take that disagreement to the point of putting them at risk. So that would not be a vote that I think would be a good vote for us, as a Congress, to take.

But it appears to me—listening to the debate as it has evolved here—there are some who wish to have it sort of both ways. They want to be able to say one thing but not do what they say. I almost am of the view that we should engage this at the level of substance, and we should have that vote. I am not going to vote for it, but we should have that vote. We should say: OK, if it is the position of the Democratic Party that they want to cut off funds to the troops in the field, if they feel that should be the course of action, so be it.

I happen to be attracted, more appropriately, or more positively, to the proposals of the Iraq Study Group. I think they have laid out a blueprint for us to pursue. I am not sure that is going to lead to anything that fundamentally resolves the problem in Iraq, as the problem in Iraq is religious and it is ethnic and it is cultural and it goes back a long way. But at least they have laid out a roadmap. I will not use that word because that word, obviously, has other implications. They have laid out a blueprint we can pursue and I believe we should pursue.

I, for example, think we should engage both Iran and Syria in diplomacy. I agree with former Secretary of State Baker on that point. The way you engage them—of course, that does not instantaneously give them credibility, but there are ways to engage governments that are so antithetical to us, as has been shown over the years, without giving them inordinate credibility as a result of that engagement. And I think that is appropriate.

So there are processes we could follow. But we have to, under any circumstances, get back to what is our basic purpose, I believe, as governors—and I use that term in the generic sense—and it is, A, No. 1, to protect this Nation from another attack. And that means finding the terrorists before they find us and bringing them to justice. And the effort in Iraq was a legitimate and appropriate effort to try to support the construction of a state in the middle of the Middle East which would subscribe to democratic values, which would give its people the opportunity to have a pluralistic society, where individuals are respected, especially women, and as a result to build a center from which we would have the capacity to undermine the Islamic fundamentalist movement's philosophy that Western values are fundamentally at variance with the Muslim religion and the Muslim way of life. And I believe that is still a legitimate and valued purpose.

But it all comes back to how it protects us. And it protects us by creating an atmosphere where we can go to the Muslim world and say we are not your enemy, but we are actually an opportunity for you to have a better lifestyle, if you follow the course of action of liberty, freedom, individual rights, rights for women, and a market-oriented approach. That protects us. And that should be our first goal: the protection of America from further attack.

We should respect the fact that this administration has succeeded for 5 years in protecting us. Some of that is good fortune, as I said, but a lot of it is the fact that we have reached beyond our borders to find them before they could find those who wish to do us harm.

The second purpose must be to make sure the troops who are in the field have the support they need, not only financial and technical and logistical support but the moral support they need, so they know they are fighting for what is an American cause and is going to keep America safe—which they are. And we need to respect them. They are extraordinary young men and women who are on the frontlines of this war against terrorism and who are doing exceptional service for us.

So that is a brief outline of my thoughts on this matter. I notice, in the concurrent resolution which was submitted by some of our colleagues, they stated that the primary objective of the strategy of the United States in Iraq should be to have the Iraq political leaders make political compromise necessary to end the violence in Iraq. That is an objective, but that is not our primary objective. To make compromise? Whom are they going to compromise with, al-Qaida? Are they going to compromise with Iran?

That is not our objective. Our objective is to, hopefully, have an Iraq that is democratic, is pluralistic, and that is reasonably stable, that is not a client state of Iran, that is not a safe haven for al-Qaida.

Our primary purpose in Iraq is to create an atmosphere in the Middle East

where people will look at democracy, at liberty and say: It works. Even though I am Muslim, that works for me as a Muslim—where women have a chance to pursue their options, where market forces work.

Our other primary purpose in Iraq must be to make sure our soldiers, who are fighting for us and protecting us and who are engaged there, are properly supported as long as they are there. Our Commander in Chief has made a decision to move additional troops in there; and that those troops are equally supported.

It is, obviously, a difficult and torturous issue for us as a nation because we are a good nation. We do believe genuinely—I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, will the Senator from New Hampshire yield for a question?

Mr. GREGG. Mr. President, if I could complete a quick thought and then turn to the Senator for his question, my thought was this: This is obviously a torturous issue for us as a nation, because we are basically a very good people. And our history shows that when we use force, we use it for the purposes of trying to free people, of giving people more options and a better lifestyle. We did it during World War I and World War II, and we did it throughout the Cold War. Our success is extraordinary. We have never sought territorial gain, and we do not. We seek to give people the opportunity to pursue the liberties and freedoms which were defined so brilliantly by our Founding Fathers. When we see something such as Iraq, where there seems to be such an inability of the culture to grasp these concepts, even though we are trying as hard as we can to give them that option, it is difficult.

But we still can't take our eye off the ball, which is to basically recognize that we are doing this for our national defense, as we try to stabilize a region that represents an immediate threat to us and has already damaged us more than any other event in our history has damaged us, other than potentially Pearl Harbor, and that we have troops in the field who need to be supported.

I yield to the Senator from Texas for a question.

Mr. CORNYN. I agree with the argument the Senator from New Hampshire has made about the importance of our prosecuting the war against terror and particularly what has been called by the terrorists themselves ''the central front in the war on terror'' in Iraq.

Some of our colleagues have introduced a resolution, which the Senator has spoken to, which is a nonbinding sense-of-the-Senate resolution. I heard others this morning talk about imposing caps on the number of troops we might deploy there.

I ask the distinguished Senator from New Hampshire, if it is so important that we not fail in Iraq and that the region not descend into either a failed state or a launching pad for future terrorist attacks or a regional conflict ensue, does he not believe it would be important for those who criticize the President's announced plan to offer a constructive alternative of their own, if they believe that the President's chosen plan is not the best course of action?

Mr. GREGG. Answering the Senator through the Chair, that seems to me to be the logical approach. As I mentioned earlier, there are some who seem to want the language of opposition but don't want the responsibility of opposition. If the case is that some believe we should have immediate withdrawal, then that ought to be put on the table in a context which would have the force of law and effect, and let us vote on that. I would vote against it, but let us vote on it.

Mr. CORNYN. If the Senator will yield for one final question.

Mr. GREGG. Yes, I yield to the Senator from Texas.

Mr. CORNYN. Notwithstanding the fact that we have a number of our colleagues running for President of the United States in 2008, and notwithstanding the fact that obviously we have Senators of different party affiliation, Republican and Democrat, isn't a matter of national security exactly the kind of issue that should rise above partisan divisions and upon which we should work to find common ground so we can protect the national security of the United States? I ask the Senator whether he believes that perhaps we have let our guard down and let this discourse become too political in nature rather than solution oriented?

Mr. GREGG. Responding to the Senator through the Chair, the Senator makes a good point. My big concern goes to the morale of the troops in the field. What are they thinking? What are they thinking as a young 19-, 20-, 22-year-old soldier in Iraq today when they hear this discourse going forward and they are asked to go out on patrol, and they are told that maybe the troops their military leadership says it needs to support them is an issue? It is a legitimate issue as to how long we should allow this to hang out there. Let's have the debate. Let's resolve our national position as to what it is going to be, at least for the next year, if we get that far, and resolve it so that we know where we are; otherwise, we do harm to our national policy, because it is so disruptive to have this many voices at the same time claiming legitimacy and, more importantly, it does harm to our troops in the field, which is my primary concern.

I thank the Senator from Texas for his questions and yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, I ask unanimous consent to be recognized to speak for up to 10 minutes, followed by the Senator from Michigan for 10 minutes, followed by the Senator from Colorado for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I appreciate the comments made by the Senator from New Hampshire, Mr. GREGG, with regard to his concerns about the public debate in this body on the progress of the war against terrorism and, specifically, the role of the conflict in Iraq. I have to express some deep concern that on an issue so important to our national security, on the type of matter where we have historically said partisan differences should not extend beyond our shorelines, that we ought to try to work harder to find some solution to this problem for our country. I couldn't agree more with the Senator from New Hampshire: This is a matter of America's national interest and America's national security. That is our No. 1 responsibility. That ought to be our focus. We ought to focus on that like a laser and not be distracted by anything else.

I have heard, in addition to nonbinding sense-of-the-Senate resolutions being offered, expressing disapproval of the President's proposed plan, suggestions this morning by the Senator from Illinois that he wants to put a cap on the number of troops that can be deployed in the battlefield. Perhaps there will be other efforts that come forward to try to one-up the other proposal, to micromanage the conduct of this very grave and serious matter which so directly affects our national security. While I disagree fundamentally that we ought to have any suggestion to our troops and to those who are in harm's way that we are going to undermine their efforts by cutting off funds to support our troops during a time of war or whether we are going to send nonbinding sense-of-the-Senate resolutions in a way that will only encourage our enemies and undermine our war effort, or whether we are going to try to micromanage the conduct of the war rather than to rely upon the senior military leadership who has advised the President and been so much a part of the proposal that the President has made, I think this is all extraordinarily premature.

I hope if there is one thing we can all agree on, it is that we have a chance to be successful in Iraq. I know there are those who differ on what success would mean. The President has talked in impressive terms about his vision of establishing a democratic beachhead in Iraq in an area with too few democracies, because the fact is, democracies don't wage war against other democracies. It would be helpful to the long-term stability of the Middle East if that were successful. But I hear people giving up on that vision and saying: Well, the most we can hope for is what the Iraq Study Group said, which is to provide an Iraq that can be sustained, governed, and defended by the Iraqi people.

I would be satisfied at this time if we were able to accomplish that goal. I would hope that would be a goal we could all embrace. But I know there are two ways to fail in achieving that goal. One would be to give up and to have a precipitous withdrawal of our troops or to cut off funds to support our troops now or to try to micromanage from Washington, DC, how many troops are in the field or under what circumstances, what the rules of engagement might be. The other way is to actually try to see whether the President's proposal demonstrates any improvement or progress in Iraq, which I would think we would all welcome, if, in fact, that happens. But of course, we can't guarantee that. No one knows whether that plan will be successful for sure. I do believe the President has attempted to get advice from the very best military minds available—people such as GEN David Petraeus, who hopefully will be confirmed here shortly to serve as the head of coalition forces in Iraq; people such as Admiral Fallon, who will take over as CENTCOM commander—while continuing to rely on the advice of people such as GEN George Casey and GEN John Abizaid, whom those two gentlemen will be succeeding.

It strikes me as odd to say we are going to give up on this new plan, which many have clamored for months and maybe even years, before we have even had a chance to implement it. Indeed, the fact is we have had as many as 160,000 troops in Iraq at any given time, where now we have approximately 130,000. And even this so-called surge will not bring us up to the maximum number of troops we have had in Iraq at any given period of time.

I think we ought to take a moment and think about what is being proposed here in terms of nonbinding sense-of-the-Senate resolutions, attempts to micromanage the conduct of the war and the battlefield, because I truly believe if we are to allow Iraq to descend into a failed state, that it will, like Afghanistan did after the Soviet Union left, serve as a launching pad for terrorist organizations to train, recruit, and launch terrorist attacks to other parts of the world, including the United States, and that more American civilians will die as a result.

Of course, there is also the issue of a regional conflict. We have already heard from people such as the Saudis that if, in fact, the Iranians take advantage of the Shiites' momentum in Iraq in that there is ethnic cleansing of Sunnis in Iraq, that likely the Saudis will come in in an effort to prevent the ethnic cleansing of Sunnis, and there will certainly be other countries drawn into what will be a regional conflict.

It is not only responsible for the critics of the President's plan to say what they would do differently, but also to explain how they are going to deal with the consequences of a regional conflict in Iraq, should that happen. I do believe that is likely to happen unless we try to see whether the President's plan, in consultation with bipartisan groups such as the Iraq Study Group and in consultation with the very best military minds in the world, has a chance of success.

I don't know of any American who would not support an effort to win and to stabilize Iraq, to provide a means for it to govern itself and defend itself if, in fact, that is in the best interest of the United States, which I believe it is.

Mr. KERRY. Would the Senator allow me to interrupt for a request and I will ask unanimous consent that the interruption not show in his comments?

Mr. CORNYN. I don't know what the interruption is for.

Mr. KERRY. I want to make request to get into the order, if I could.

Mr. CORNYN. I would prefer if the Senator wait until after I am through talking rather than interrupt my comments. I have no objection if he would like to be added to the end of the current unanimous consent request to be recognized after the Senator from Colorado. I ask unanimous consent that that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUGS

Mr. CORNYN. Mr. President, let me mention one other subject while I am up, and that has to do with the comments of the distinguished Senator from Oregon about Medicare prescription drugs and the success of the Part D Medicare prescription drug program. I don't know of many governmental programs that have met with more success than this prescription drug program, in terms of the acceptance of America's seniors and the way it has allowed them to get access to prescription drugs at a reasonable cost that they were never able to access before. But I do have grave concerns about those who would attempt to basically interfere with that successful program by imposing Federal controls on the price for which these pharmaceuticals may be charged under the guise of some negotiation. When the Federal Government negotiates with a private entity, there is no real negotiation; it is a take-it-or-leave-it proposition.

I pose as exhibit A to support that the current VA health care system, which is held out as a model by which this kind of negotiation could go forward. The fact is, the VA system is pointed to as a model by which this Government negotiation could occur, and today that system does not supply nearly the variety of pharmaceuticals to its beneficiaries the Medicare system does.

I have read in various places that the number ranges from 19 percent—I have heard as high as 30 percent—of the drugs that are available to Medicare beneficiaries are available to veterans under the VA system because of this feature. So when you impose price controls, which is what is being advocated by those who want to change the current successful system of Medicare prescription drugs, basically, what we are going to find is a rationing effect. I would think that would be the last thing any of us would want to do—to ration the prescription drugs available to our seniors under the enormously successful Medicare Part D reform we passed in 2003.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

PRESCRIPTION DRUGS

Ms. STABENOW. Mr. President, I rise today to speak to the Medicare prescription drug benefit. I have a different view, and the Michigan seniors and people with disabilities who are trying to access this program have a different experience and view than my friend from Texas.

As I said yesterday, I think it is incredibly important that we join with the House of Representatives to do the first step, which is to require negotiation for the best price on prescription drugs through Medicare. I also know there is incredible confusion, that seniors have been offered a variety of private choices but not the one that most seniors asked for, which is to be able to go through Medicare and sign up as they do for Part B and the rest of Medicare and get a good price. I also know there is great concern from seniors who find themselves in this gap, somehow being called a doughnut hole, but the gap in coverage where you continue to pay a premium but don't receive any help. There are a number of concerns I hope we are going to address.

Number 1 needs to be to say clearly that we want the Secretary to negotiate the best price for people. Right now, as we know, the law actually prohibits, actually stops the Secretary from using the bargaining power of all of the seniors and the people with disabilities on Medicare to be able to get the best price. Why in the world does that make sense? In fact, it doesn't make sense—particularly for something that is lifesaving; it is the major way we provide health care today from a preventive and maintenance standpoint, as well as in a crisis.

There are huge differences between the way the Veterans' Administration successfully serves our veterans and what is being done through, unfortunately, inflated prices through the Medicare system that not only seniors are paying, disabled are paying, but taxpayers are paying as well.

Yesterday, I talked about a report—and I want to talk to that today—from Families U.S.A. released last week, which looked at 20 prescription drugs commonly used by seniors. The results are startling. The report compares the prices the private Medicare Part D plans charge and the prices obtained by the VA, which negotiates for low drug prices on behalf of America's veterans.

It showed, again, what we have been seeing over the past year: For each of the top 20 drugs prescribed to seniors, the lowest prices charged by any of the top private Part D providers are higher than the price secured by the VA. It is not just a little bit higher, but in many cases it is astoundingly higher.

Let's look at some examples. I am mentioning specific drugs, not to pick on particular drugs, but we talked about the fact in the committee that transparency, the ability to compare price, and the ability for people to know what they are purchasing is very important. This is something we want the Secretary, on behalf of the people of America, to be doing—looking at the differences in these prices, and the particular points where there is a wide disparity, using their negotiating power to be able to step in on behalf of seniors and the disabled.

When we look at Zocor, which I mentioned yesterday—the drug many seniors use to control their cholesterol levels—the lowest VA price for a year is just over $127. The lowest price under a private plan is $1,485.96—over a 1,066-percent difference. That is astounding. I argue that you could still continue to work with the Federal Government and partner to do research and bring that price down.

Why should seniors pay $1,359 more in a year for this particular prescription drug than veterans do? It is exactly the same drug.

Now, I also mentioned Protonix yesterday. It is the same thing. We are looking at $214.52 for a year, the VA price, negotiating the best price, and $1,148.40 with the lowest Part D plan, a difference of 435 percent.

It is the same thing as we go through the next one, which is Fosamax, which is a 205-percent difference, and on down.

We are talking about substantial differences in price—some smaller than others. But the reality is negotiation works. All we have to do is look at the fact that, on average, we are seeing a price difference of 58 percent between the Veterans' Administration and what is happening from the lowest possible plan with the top 20 most prescribed drugs for our seniors. In other words, for half of the drugs our seniors need most, the lowest price charged is almost 60 percent higher, and it is not demagoguery to say people are choosing between food and medicine. It is not. It is not an exaggeration to say that right now somebody is sitting down and deciding: am I going to pay the heating bill or get the medicine I need? That is the reality for people. We need to have a sense of urgency about fixing this.

I also want to speak to the fact that we have heard a lot about the VA. Unfortunately, we have heard things that are not true, according to information from the Veterans' Administration. Yesterday, I was asked if I knew there were well over 1 million veterans who moved to Medicare Part D. The assertion was made that veterans were leaving the VA because the VA could not give them the drugs they wanted. I knew there were veterans who were adding Medicare Part D coverage. We went back to look and see what that was all about after I received that question. In fact, approximately 280,000 veterans have signed up for Medicare. They are not leaving the VA. In fact, it is not even clear that they are getting any drugs through Medicare at this point. They may have done it to add extra coverage. We are not sure what that mix is, but we are not talking about a million veterans or more running to leave VA because it is such a bad program.

Moreover, according to both the Government Accountability Office and the Institute of Medicine, the VA system is working well. According to the GAO, an overwhelming majority of VA physicians report that the formulary, the grouping of drugs that are available, allows them to prescribe drugs that meet their patients' needs.

The Institute of Medicine has reported that veterans believe their needs are being met. Access to drugs is an issue in less than one-half of 1 percent of the complaints about the VA health system. One-half of 1 percent relate an inability to be able to get the medicine they need.

I also need to point out that at our Finance Committee hearing last week it was mentioned that there are fewer drugs available to our veterans. In fact, we have heard it today on the floor. That is exactly the opposite of what is true. The VA actually has more drugs on its formulary, its list of available drugs. I have not heard anybody say, first of all, that we should take the VA system and impose it on Medicare. But there is a lot of misinformation about what is happening in the VA and what is happening for our veterans, and there is a lot we need to do to focus on the reality and the facts of the huge disparities, an average of 58 percent, and the highest is over 1,000 percent.

I find it very interesting that, on the one hand, we hear two different kinds of arguments occurring. One is that negotiation will make no difference in price. On the other hand, we hear we will lose lifesaving research because of negotiation. Those two arguments don't fit together, even though they are being made by the same people. We don't have to worry about research and development if, in fact, negotiation doesn't lower prices. I argue—and I think common sense dictates—that when you are looking at a 1,000-percent difference in price, at the fact that the American taxpayer is contributing, on average, at least as many dollars for research as the brandname industry is—overall, at least contributing that, because we want the lifesaving drugs—when you look at all of the facts, it doesn't add up; it doesn't add up for anybody but the industry itself to be able to argue that they want to keep the prices this high. I appreciate that. Any industry that has such a significant advantage certainly wants to fight to keep it. But I am very hopeful we will join with the House in saying this is lifesaving medicine, it is not an optional product, and we have to get the best price for our seniors and for the disabled in America.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized under a unanimous consent agreement for 10 minutes.

ENERGY DEPENDENCE

Mr. SALAZAR. Mr. President, I rise today because our dependence on foreign oil is dangerously out of control and it is putting our Nation at risk. It is weakening our defenses and undermining our power around the world.

From my point of view, as I look at the defining issues of the 21st century, there is no doubt in my mind that our energy security is at the very top of those issues which we must address. We must address it because of national security implications, because of our economic security, and because of the environmental security of the United States of America.

First, with respect to the national security of our country, it is incredible to me that in this year, 2007, we are importing 60 percent of our oil from foreign countries, and 22 percent of the world's oil reserves are official sponsors of terrorism that are under some kind of U.N. sanction. When we look at the conflict underway in the Middle East, when we look at the tensions with Venezuela, we in the United States of America are putting our very national security at risk simply because of our overdependence on foreign oil.

Second, the economic security of the United States of America is very much at risk as well. We need to have a new energy economy that will produce jobs in the United States of America and give us stability with respect to the costs that go into our energy economy.

Third, the environmental security of our Nation is also very much at risk.

As we move forward to try to address issues such as global warming, it is important for us to address this issue from a national security point of view, an economic security point of view, and environmental security point of view. Therefore, I believe the Congress and President Bush, Secretary Bodman, and others who are involved in this effort have to get very serious about our energy security. It is time for us to put rhetoric behind us.

As we heard last week in the Senate Energy Committee, we have a pre-9/11 energy policy that is failing us in a post-9/11 world. We have an energy policy which is still a pre-9/11 energy policy, and it is failing us in this post-9/11 world. We must take dramatic steps to reduce our dependence on fossil fuels,

conserve energy with new energy-efficient technologies, and expedite the development of renewable energy resources. We must build a clean energy economy that restores our independence and our competitive advantage around the world.

For much of the last century, the United States has been the single most powerful Nation on this globe. We have been a clarion voice for freedom, democracy, and justice for all people. My father and 16 million young Americans served their country in World War II, defeating the Nazis and the fascists around the world, earning us our role on this globe of the most powerful Nation of the last century. Many died to achieve that legacy for the United States of America. My uncle was one of those 400,000 Americans who died in that conflict of World War II, leaving his life, his blood, and his spirit on the soils of Europe.

Today, our dependence on foreign oil is sapping the strength that the World War II generation built for us. Countries such as Saudi Arabia, Russia, and Iran are playing their oil holdings like chess pieces on a chessboard, applying pressure here, threatening there, and eroding U.S. influence around the world. Since 2001, China and Russia have partnered to lock up oil in central Asia, rolling us out of the region. Venezuela has wielded its resources to bully its neighbors and to oppose our interests in South America. And Iran has used its oil resources to court Russia and China, convincing them to oppose our diplomatic effort to stop Iran from building nuclear weapons. We ought not put our foreign policy in the hands of Iran or Venezuela or the sheiks and kings of the Middle East.

Countries that wish us harm know full well of our addiction to their oil. They know that any disruption in supply sends gas prices through the roof and slows our economy. And they are happy to profit from our addiction. Oil money lines the pockets of the terrorists, the extremists, and unfriendly governments. It helps the Syrians buy rockets, such as those the Hezbollah has in Lebanon today. It reaches bin Laden and al-Qaida. It funds the militants in Nigeria who capture and terrorize westerners. The sad truth is that we are funding both sides of the war on terror. We spent over $100 billion last year to fight the extremists in Iraq and Afghanistan—extremists armed with weapons purchased from our oil revenues. It is crazy.

We are importing more oil today than we ever have. Over 60 percent of our oil—more than 12 million barrels a day—comes from abroad. The vast majority of this oil comes from state-owned oil companies in unfriendly countries. This is only going to get worse in the coming years. Take a look at who controls the world's oil reserves. If we look at the chart, the countries of Saudi Arabia, Iran, Russia, Iraq—and the list goes on—control most of the world's oil reserves, and many of these countries are either unfriendly to the United States or have a shaky government around them. But we know one thing for sure: It is not the best interests of the United States they have at heart.

If our oil dependence continues, we will be relying on companies such as Petrovesa, Saudi Aramco, and Gazprom for our oil. What does this mean? It means that Saudi Arabia, Russia, Iran, and Venezuela will hold our very energy security in their hands, which means they hold our very national security in their hands.

We have to change course, and we have to change course now. We are no longer a world where oil costs $12 a barrel. We no longer carry the illusion that others wish us no harm. We live in a complex and dangerous time. Yet we continue to depend on this pre-9/11 energy policy that simply is not working for us in this 21st century.

The good news is that the future of our Nation's energy security lies right here at home. It lies in our farms and in our fields and with the ingenuity of American workers and American technologies.

There are two things we can do immediately to improve our energy security. First, we can dramatically increase our energy efficiency. Improved efficiency is the cheapest and largest source of energy. The technologies that will save us energy and money are already in place, but Government policies often discourage consumers from using them. We have to be much smarter as a country about energy efficiency.

Second, we need to expand our domestic energy production from renewable energy sources. We have taken aggressive steps over the past few years to open new sources of oil and natural gas in this country. We see the effects of these policies throughout our country, especially in my State of Colorado where natural gas production has jumped over 50 percent over 2000, and we see it in the Gulf of Mexico where just a few months ago we in Congress opened millions of new acres for leasing.

But we have fallen woefully short on the renewable energy front. We have fallen woefully short. In last year's State of the Union Address, President Bush touted the virtues of cellulosic ethanol and solar power. He told the American people:

> . . . We have a serious problem, we are addicted to oil.

And he indicated that he would make a serious commitment to renewable energy. That is what the President said a year ago in his State of the Union Address. Yet, in fact, that hasn't happened. The proof is that it simply is not in the budget, and the proof is that if you look at what has happened with renewable energy and energy efficiency, we are investing less in these initiatives than at the time President Bush became President. If you look at our renewable energy investments from 2001 to 2006, you see this line, this thin line. We have actually been investing less in renewable energy resources from 2001 until 2006. For us to have declined by almost $100 million during that time period in terms of what we are investing in renewable energy means we are not walking the talk about what we can do with respect to renewable energy.

I also want to briefly demonstrate the reductions that have been made with respect to our investments in energy efficiency. Again, in 2001, we were investing about $900 million to make this a more energy-efficient country. In the time that has passed in the last 5 years, now, in 2006, we are investing $200 million less. So when people talk about getting energy efficient or investing in renewable energy, the fact is America simply is not walking the talk. We need to start walking the talk if we are going to get to energy independence.

Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SALAZAR. I ask unanimous consent to speak for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. I thank my friend and colleague from Massachusetts, Senator KERRY, for being patient.

We need to move forward to start walking the talk, and the first step is for President Bush, when he comes before the Congress for the State of the Union Address, to talk about energy independence, but to make sure the budget that is put on the table for Congress to consider is a real budget that is robust in terms of how it will move us forward with respect to renewable energy, with respect to alternative technologies, and with respect to investments in a greater energy-efficient economy. This is an imperative for the United States of America, and unless we move forward aggressively in a bipartisan fashion, bringing conservatives and progressives, Democrats and Republicans, together on this initiative, we will be compromising the national security of the United States in a manner that is absolutely inexcusable.

I look forward in the days ahead to working with my colleagues as we move forward with a robust energy package that will get us to energy independence.

I thank the Chair, and I yield the floor.

Mr. KERRY. Mr. President, first, let me begin by congratulating my colleague from Colorado on his comments, which are important. As I think the Chair knows, during the course of the 2004 cycle, I made energy independence one of the centerpieces of the campaign. In fact, I am proud that I was the first Presidential candidate to ever advertise in a campaign on that topic. We tried to lay out why and how it is

so critical to the security of our country, the health of our country, the economy of our country, and the jobs that would be created. Of course, in terms of environmental protection, it is common sense. There are huge gains to be made with respect to efficiency. Efficiency, in fact, is the largest place available to grab CO_2 out of the atmosphere, which is the biggest problem with global warming, global climate change. So there is an enormous agenda here. In fact, this administration isn't even in the game. It is sad when you measure it against the demands of the country.

So I appreciate what the Senator has said. This is something that has to become a priority over the course of the next days here, and we are going to do everything in our power to help make it so.

TRIBUTE TO PAUL TSONGAS

Mr. KERRY. Mr. President, 10 years ago today, this country lost a leader and this Chamber lost a colleague, and Massachusetts lost a favorite son. Ten years ago today, cancer took Paul Tsongas from us prematurely at 55 years of age. He left three wonderful daughters: Ashley, Katina, and Molly, and his special and extraordinary wife Niki, and he left an enormous number of friends and people whom he touched and affected across the country, those who joined him to help reform our politics.

Paul was a very different kind of public person. He walked his own path. He walked to his own tune. Today we remember him and we join the people in Merrimack Valley and across Massachusetts and so many others who came to appreciate and respect him and learned a lot about him through his Presidential campaign. We honor a life that elevated those whom he knew, and the countless people he never met, but whose lives he affected through the things he fought for and believed in.

Paul Tsongas inspired with his optimism and his drive, his disarming humor, and his love of causes both distant and local. He was proud of his Greek heritage, proud of his roots as the son of a drycleaner, proud of Lowell, and he became a champion of environmental protection and expanding opportunity so the full measure of the American dream that he came to see as a young person himself was accessible to everybody else.

He set a high standard for public service which he continued even after he left the Senate. He continued out of office to work across the aisle proving, with former Senator Warren Rudman and their Concord Coalition, that balancing the budget was not a partisan agenda item and that fiscal discipline could, in fact, invigorate and not stifle the American economy. Paul Tsongas was a Democratic deficit hawk before it was popular and, I might add, together with Senator Gary Hart, was part of that new vanguard that helped to define the defense issues of our Nation in a modern context.

He understood also that being a Democrat did not mean being antibusiness. In Lowell, Paul served as a city councilor and then later as a reformed county commissioner. He loved Lowell. He loved that old mill town where he was born. Even at the end of his life, he knew every single person there, from Main Street through the largest businesses, and he could still see where he had grown up from the house where he lived in his last days.

Paul came to Washington, where he worked with Tip O'Neill, Joe Moakley, Republican Sil Conte, and Ed Brooke in a bipartisan, golden age for the Massachusetts delegation. Paul's love of ideas and his love of Lowell helped trigger one of the earliest sparks of high-tech innovation in Massachusetts. Through his championing of early computer companies such as Wang and others, he helped to fuel the whole era of such stunning ingenuity that it changed the face of America and enhanced our technological leadership in the world. Paul helped Lowell reinvent itself after years of decline, and in 1978, he was elected to the Senate. After one term only in the Senate, he gave up his seat in order to be with his family and fight cancer. He was sustained by the loving support of his sister, his wife, and his daughters, whom he treasured. Paul at age 7, had lost his own mother to tuberculosis, so this idea of being with family during that kind of crucial time was particularly poignant to him.

As a friend of Paul's famously told him: No man ever died wishing he had spent more time with his business. Paul was first diagnosed with cancer in 1983 and he fought it courageously from that day forward. Right to the end of his life, he was tenacious in his support for the causes he believed in, in his fight against the devastating disease that eventually took him but never stole his spirit. Instead, he brought to the fight the same optimism and determination that made him so successful in the Peace Corps. In 1992, when in remission, Paul ran for the Presidency, and he ran one of the most bracingly honest and politically courageous Presidential campaigns of our time. His was a campaign defined by common sense and by that wry sense of humor more than it was defined by fiery oratory. He managed to win Democratic primaries in New Hampshire and three other primaries and four State caucuses before the man from Lowell finally ceded the nomination to the man from Hope.

Paul reached across the country to the distant shores of the Pacific as coauthor of the Alaska Lands Act, which protected millions of acres of pristine wilderness. He made an admirable contribution to our environment. His aggressive policies to protect our natural resources were truly an investment in our future. He made life-long friends in Ethiopia as a result of his Peace Corps service in the early 1960s, proving even as a young man that his sense of the world reached beyond the horizon and to cultures far from his roots.

Today, in Lowell, the name Tsongas graces a museum of industrial history, part of the National Park Service, where the full story, both good and bad, of the industrial revolution and the textile industry in Massachusetts is presented for thousands of visitors, young and old, every year. Today, the name Tsongas graces an arena where athletic excellence, a passion dear to Paul's heart, is practiced along with political conventions and trade shows.

So I rise today not only as the Senator who inherited his seat; I rise as an admirer and a friend. To know Paul Tsongas was to see up close what this business we work in means in people's lives, and the full arch of his time on Earth illuminates the larger impact each of us can have on our communities, on our State, and on our Nation.

That is why this day is special for this Chamber, a sad, proud memory for Lowell and for Massachusetts, and a moment to reflect on Paul's life and his contributions. It is hard to believe Senator Tsongas has been gone for 10 years. If he were with us today, Paul would be a strong voice full of insight, humor, and wisdom, all in that inimitable style, once modest, but incredibly forceful, the style we came to know and appreciate so much. Lowell, MA will miss Paul Tsongas, America misses him, but we remember him today.

Mr. KENNEDY. Mr. President, I would like to take a moment to join my colleague, the junior Senator from Massachusetts, to mark a significant and sad anniversary. Ten years ago today, America lost a great patriot, Massachusetts lost a great advocate, and JOHN KERRY and I lost a great friend when Paul Tsongas passed away after a valiant and courageous fight with cancer.

Paul Tsongas was the epitome of a public servant. From his time in the Peace Corps in both Ethiopia and the West Indies in the 1960s through his spirited campaign for the Presidency in 1992, Paul lived by the words my brother Jack believed so strongly, that each of us can make a difference and all of us should try.

Paul Tsongas tried his best to do so, all his life, and he made a large and continuing difference. To the people of his beloved Lowell, he proved that our great industrial cities can be reborn and renewed, with a creative emphasis on reshaping their great history to meet the needs of our current high tech economy. In the 1970s and 1980s, when America was moving inexorably to the suburbs and so many of our great urban centers were being hollowed out, many of our people found it increasingly difficult to see a bright future for urban areas decimated by the decline of manufacturing.

But today, across the country, a new movement has been born to encourage creative investment in our cities, and

one of the first models for how such efforts can succeed is the vision Paul Tsongas had for Lowell, MA.

F. Scott Fitzgerald may have said there are no second acts in American life, but Paul Tsongas could have responded, ''Let him come to Lowell.''

Paul served in the House and joined me in the Senate in 1978. He was someone I knew I could always count on to fight hard for the people of Massachusetts, and the Nation. He was tireless, determined, and always well prepared. Sometimes we would disagree on policy matters, here and there, but if you were going to challenge Paul, you had better have your facts straight because he knew what he was talking about.

He also was an outstanding campaigner. The conventional wisdom in politics has always been—at least as long as I can remember—that candidates with difficult to pronounce names have a small additional hurdle.

Paul had a silent ''t'' at the beginning of his name, and I will never forget how brilliantly he turned that small disadvantage into a major asset in his victorious campaigns for elective office.

He ran hilarious ads that had all these people struggling to pronounce his name, and none of them could do it. But by the end of the campaign, every voter could do the silent ''t'' and everyone loved the candidate who made fun of himself on TV.

Its is a lesson that Paul would carry on throughout his courageous battle against cancer. Everyone faces obstacles—some great and some small. It's how we choose to deal with them that makes us who we are.

Paul Tsongas was an inspiration to all who knew him. The son of a Greek immigrant father and a mother who died of tuberculosis, he demonstrated again and again that through hard work, commitment, and a passion for doing what is right, all things are possible in our America.

He charted a new course for the city he loved. He authored the Alaska Lands Act to protect millions of acres of American wilderness, and he founded, with our former colleague, Warren Rudman, the Concord Coalition, which has become a highly respected force for fiscal responsibility since its creation in the early 1990s.

When the diagnosis of cancer was made, he left the Senate to spend more time with his wonderful wife Niki, his loving sister Thaleia, and his three daughters, Ashley, Katina, and Molly.

After completing his rigorous treatment, he threw his hat in the Presidential ring in the 1992 primaries and his candidacy helped fuel the movement to make Government accountable for its fiscal policies. He left an immense and enduring legacy.

We miss you, Paul. We miss your bravery and your commitment. We miss your friendship and concern, but we know you are resting in peace today after an extraordinary and well-lived life.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. For the information of the Senate, the Chair makes the following announcement:

The President Pro Tempore of the Senate and the Speaker of the House of Representatives, pursuant to the provisions of 201(a)(2) of the Congressional Budget Act of 1974, have appointed Dr. Peter R. Orszag as Director of the Congressional Budget Office effective immediately for the term expiring January 3, 2011.

The Senator from South Dakota is recognized.

Mr. THUNE. I thank the Chair.

(The remarks of Mr. THUNE and Mr. SALAZAR pertaining to the introduction of S. 331 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. THUNE. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL

Mr. CONRAD. Mr. President, I ask unanimous consent that S. Res. 32 be discharged from the Rules Committee and referred to the Committee on Small Business and Entrepreneurship.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECT THE POWER OF THE PEOPLE

Mr. BYRD. Mr. President, in the late hours last night, I took to the floor to decry some Senators who wish, if I may put it in this language, to sabotage the ethics reform legislation with a dangerous and unconstitutional line-item veto proposal. What is happening is little more than political blackmail, and the American people—those people out there who are watching through the lenses above the President's chair, the American people—should be outraged. I have been around here a long time. I have spoken on this subject many times. This so-called line-item veto is an assault on the single most important protection that the American people have against a President, any President, who wants to run roughshod over the liberties of the people prescribed in the Constitution. Today I am talking about the congressional power over the purse. The congressional power that is right here, and over on the other side of the Capitol, the congressional power over the purse.

Weaken the power of the purse and one weakens strong—the word ''strong'' is too weak—one weakens oversight, for example, on this bloody nightmare of a war in Iraq. Get that? Weaken the power over the public purse and we weaken the oversight over this bloody war in Iraq. That is just one example. One weakens the power of the purse and one weakens the checks on a President who wants to tap into personal telephone calls or pry into bank accounts or tear open the mail. Without congressional power over the purse—money—there is no effective way to stop an out-of-control President who is bent on his way, no matter the price, no matter the repercussion. Make no mistake—hear me, now. The Roman orator would say, ''Romans, lend me your ears.'' Make no mistake, this line-item veto authority would grant tremendous—I say tremendous and dangerous—new power to the President.

There are new Members of this body. Perhaps we ought to have some discussions about the line-item veto. The President would have unchecked authority to imperil congressional power over the purse, a power that the constitutional Framers felt was absolutely vital to reining in an overzealous President.

Eight years ago, the United States Supreme Court ruled that the line-item veto—hear me, Senators; you may be watching your boob tubes. Hear me. Eight years ago, the United States Supreme Court ruled that the line-item veto was unconstitutional. I said at the time that the Supreme Court saved the Congress from its own folly. But now, it seems, memories in this Senate are short and wisdom may be even shorter in supply. Here we are, on the heels of 6 years of assault on personal liberty, 6 years of a do-nothing Congress all too willing to turn its eyes from the real problems of the Nation, 6 years of rubberstamps and rubber spines—here we are, all too ready to jettison the single most important protection of the people's liberties: the power of the purse.

Let's review the record. We have a President—I say this in all due respect.

I respect the President of the United States. I respect the Presidency; I respect the Chief Executive. We have a President who already has asserted too much power while refusing to answer questions:

I am the commander—see, I don't need to explain—I do not need to explain why I say things. That's the interesting thing about being the President. Maybe somebody needs to explain to me why they say something, but I don't feel like I owe anybody an explanation.

Those are the words of our President, the very President who some in this body are all too willing to allow to dominate the people's branch, this branch, your branch—the people's branch of Government.

This President claimed the unconstitutional authority to tap into the telephone conversations of American citizens without a warrant, without court approval. This President claimed the unconstitutional authority to sneak and peek, to snoop and scoop into the private lives of you, the American people. This President has taken the Nation to a failed war—yes, to a failed war that we should have never entered into—based on faulty evidence and an unconstitutional doctrine of preemptive strikes, a doctrine that is absolutely unconstitutional on its face. More than 3,000 American sons and daughters have died in Iraq in this failed Presidential misadventure.

What is the response of the Senate? To give the President even more unfettered authority? Give him greater unchecked powers? It is astounding. We have seen the danger of the blank check. We have lived through the aftermath of a rubberstamp Congress. We should not continue to lie down for this or any other President.

Of course, this President wants to strip Congress of its strongest and most important power, the power of the purse. Congress has the ability to shut down the administration's unconstitutional practices. Congress is asking tough questions and demanding honest answers. Congress is taking a hard look at finding ways to bring our troops home from the President's misadventure in Iraq that has already cost the lives of more than 3,000 of the American people's sons and daughters. Of course, the President wants to control the Congress. Some Presidents have wanted to do this before—silence the critics, ignore, if you will, the will of the people seriously cripple oversight.

Strip away the power of the Congress to control the purse strings, then you strip away the power of the Congress to say ''No more, Mr. President;'' strip away the single most important power granted to the people in this Constitution. That is the White House demand. I, for one, will not kowtow to this President or to any President. I, for one, will not stand quietly by while the people's liberties are placed in jeopardy. No Senator should want to hand such power to the President. No American should stand for it—not now, not today, not tomorrow, not the day after tomorrow, not ever.

Just a few weeks ago, Members of the Senate took an oath, ''I do solemnly swear that I will support and defend. . . .'' This is in our oath, my oath, that I have taken several times.

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

That is the oath I take: ''So help me God.''

If our Republican colleagues want to stop the Senate's efforts to end the scandals that plagued the last Congress, that is their right. If our Republican colleagues want to stop the first increase in the minimum wage in the past decade, that is their right. But I, this mountain boy from the hills, will not stand with them. And the American people will see through this transparent effort to gut ethics reform.

I, as one Senator with others, if they will stand with me, will do my very best to support and defend the Constitution of the United States. Yet I will bear true faith and allegiance to this Constitution and to the people of this great Nation, defying an effort to weaken the power of the purse.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I will speak briefly on the second look at waste amendment which I have offered which has generated a fair amount of interest and discussion in this Senate. It is an amendment that essentially is an enhanced rescission amendment. It is not a line-item veto.

I am a great admirer of the Senator from West Virginia. I have enjoyed serving in the Senate and being educated by him on all sorts of issues. I respect his view on the importance of the power of the purse and identify with it. That is the essence of the legislative branch's source of power. But I must respectfully disagree with his characterization of this amendment, and I believe I can defend that position effectively and respond to the points he has made and make it clear to our colleagues that we are not voting on line-item veto.

Back in 1995, a line-item veto was given to the President. It was ruled unconstitutional. This amendment is not that proposal or anything similar to that proposal.

I said earlier today, to compare this amendment to the line-item veto amendment is akin to comparing the New England Patriots to the Buffalo Bills. They may be in the same league, but they have no identity of ability or purpose, as far as I could tell.

The enhanced rescission language which I have proposed—which is essentially second-look-at-waste language—the purpose of it is to give the Congress another look at provisions that may have been buried in a bill and which the executive branch thinks need a second look.

The enhanced rescission language which I have proposed essentially tracks the proposal that was put forward by, at that time, Senator Daschle as their alternative to the line-item veto. It has the same essential purposes, except it is weaker, quite honestly, than what Senator Daschle proposed. It allows the President to send up a group of rescissions, in our case four. Under the Daschle proposal, he could have sent up as many as 13 different packages.

Those rescissions, if a Member introduces them, must be voted on in a timeframe; the same thing as the Daschle proposal was. Those rescissions, under the Daschle proposal, were not referred to committee but under our proposal do go back to committees of authorization—a weaker proposal than the Daschle proposal.

Both Houses must act on the rescissions, not just one House, for the rescissions to survive, and they must be acted on with a majority—the same thing as the Daschle proposal.

The President is limited in the amount of time that he can hold the money. The timeframe under the Daschle proposal was, I believe, longer than under our proposal. I am not absolutely sure of that, but our proposal limits him to 45 days that he can hold that money, pending the Senate taking action.

There is some sunlight between the two because the Daschle proposal allowed motions to strike in specific instances, if there were 49 Senators agreeing to the motion to strike. I have said I am open to that as a concept, were we to get into a process of amending the proposal I have proposed. But that is an element of difference.

But there is very little else that is different between what I am proposing and what Senator Daschle proposed as his rescission package. This is not a line-item veto amendment. It reserves to the Congress the authority to make the final call. All it gives to the President is the ability to ask us to take another look at something. That is pretty reasonable in the context of what we see today because we see all these omnibus bills arrive at our doorstep, spending tens of millions, in some instances hundreds of billions of dollars, and in those bills a lot of language works its way in that could be suspect, a lot of earmarks, a lot of things which maybe do not have majority support, but the President gets this big bill. He

has to sign the whole thing or the Government shuts down or something else heinous happens.

So it is reasonable to say: All right, let's take out those earmarks and send them back up and give Congress another look. It gives the President no unique authority—no unique authority—that could be identified as a line-item veto. There is no supermajority which is the essence of a line-item veto, no capacity to go in and delete something from a bill which is the essence of a line-item veto. It simply gives him the capacity to say to Congress, four times: Take a look. See if these rescissions make sense.

The Daschle amendment was so far from a line-item veto that the most effective spokesperson in opposition to line-item veto in this Senate, in my lifetime, and probably in anybody else's lifetime, cosponsored the Daschle amendment. That was Senator BYRD.

So I would ask Senator BYRD to take a serious look at what I have offered and say: Aren't we dealing with apples and oranges? Yes, I can understand his opposition to line-item veto. That is fine. That is his position. It has been well said for years. The argument of the importance of protecting the power of the purse is a good one. It is critical—critical. But this rescission language does not affect that. It does not affect the power of the purse. It is not a line-item veto amendment and so far from it that it basically tracks the Daschle amendment.

In fact, I ask unanimous consent that the Daschle amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DASCHLE (AND OTHERS) AMENDMENT NO. 348
(SENATE—MARCH 21, 1995)

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Legislative Line Item Veto Act''.

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by adding after section 1012 the following new section:

''EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS

''SEC. 1012A. (a) PROPOSED CANCELLATION OF BUDGET ITEM.—The President may propose, at the time and in the manner provided in subsection (b), the cancellation of any budget item provided in an Act. An item proposed for cancellation under this section may not be proposed for cancellation again under this title.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) SPECIAL MESSAGE.—

''(A) IN GENERAL.—Subject to the time limitations provided in subparagraph (B), the President may transmit to Congress a special message proposing to cancel budget items contained in an Act. A separate special message shall be transmitted for each Act that contains budget items the President proposes to cancel.

''(B) TIME LIMITATIONS.—A special message may be transmitted under this section—

''(i) during the 20-calendar-day period (excluding Saturdays, Sundays, and legal holidays) commencing on the day after the date of enactment of the provision proposed to be rescinded or repealed; or

''(ii) at the same time as the President's budget for any provision enacted after the date the President submitted the preceding budget.

''(2) DRAFT BILL.—The President shall include in each special message transmitted under paragraph (1) a draft bill that, if enacted, would cancel those budget items as provided in this section. The draft bill shall clearly identify each budget item that is proposed to be canceled including, where applicable, each program, project, or activity to which the budget item relates.

''(3) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the budget item proposed to be canceled—

''(A) the amount that the President proposes be canceled;

''(B) any account, department, or establishment of the Government to which such budget item is available for obligation, and the specific project or governmental functions involved;

''(C) the reasons why the budget item should be canceled;

''(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation; and

''(E) all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and to the maximum extent practicable, the estimated effect of the proposed cancellation upon the objects, purposes, and programs for which the budget item is provided.

''(4) DEFICIT REDUCTION.—

''(A) DISCRETIONARY SPENDING LIMITS AND ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the President shall—

''(i) with respect to a rescission of budget authority provided in an appropriations Act, reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and any outyear affected by the rescission, to reflect such amount; and

''(ii) with respect to a repeal of a targeted tax benefit, adjust the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect such amount.

''(B) ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) and adjust the committee allocations under section 602(a) to reflect such amount.

''(c) PROCEDURES FOR EXPEDITED CONSIDERATION:

''(1) IN GENERAL.—

''(A) INTRODUCTION.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of each House shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

''(B) REFERRAL AND REPORTING.—The bill shall be referred to the appropriate committee or (in the House of Representatives) committees. The committee shall report the bill without substantive revision and with or without recommendation. The committee shall report the bill not later than the seventh day of session of that House after the date of receipt of that special message. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

''(C) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the bill to be engrossed, certified, and transmitted to the other House within one calendar day of the day on which the bill is passed.

''(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) MOTION TO STRIKE.—During consideration under this subsection in the House of Representatives, any Member of the House of Representatives may move to strike any proposed cancellation of a budget item if supported by 49 other Members.

''(C) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

''(D) APPEALS.—Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

''(E) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this section, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

''(3) CONSIDERATION IN THE SENATE.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall be nondebatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

''(B) MOTION TO STRIKE.—During consideration of a bill under this subsection in the Senate, any Member of the Senate may move to strike any proposed cancellation of a budget item if supported by 11 other Members.

''(C) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, amendments thereto, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)),

shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

''(D) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

''(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

''(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

''(G) PLACED ON CALENDAR.—Upon receipt in the Senate of the companion bill for a bill that has been introduced in the Senate, that companion bill shall be placed on the calendar.

''(H) CONSIDERATION OF HOUSE COMPANION BILL.—

''(i) IN GENERAL.—Following the vote on the Senate bill required under paragraph (l)(C), when the Senate proceeds to consider the companion bill received from the House of Representatives, the Senate shall—

''(I) if the language of the companion bill is identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill and, without intervening action, vote on the companion bill; or

''(II) if the language of the companion bill is not identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill.

''(ii) AMENDMENTS.—During consideration of the companion bill under clause (i)(II), any Senator may move to strike all after the enacting clause and insert in lieu thereof the text of the Senate bill, as passed. Debate in the Senate on such companion bill, any amendment proposed under this subparagraph, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours less such time as the Senate consumed or yielded back during consideration of the Senate bill.

''(4) CONFERENCE.—

''(A) CONSIDERATION OF CONFERENCE REPORTS.—Debate in the House of Representatives or the Senate on the conference report and any amendments in disagreement on any bill considered under this section shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

''(B) FAILURE OF CONFERENCE TO ACT.—If the committee on conference on a bill considered under this section fails to submit a conference report within 10 calendar days after the conferees have been appointed by each House, any Member of either House may introduce a bill containing only the text of the draft bill of the President on the next day of session thereafter and the bill shall be considered as provided in this section except that the bill shall not be subject to any amendment.

''(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole). No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

''(e) TEMPORARY PRESIDENTIAL AUTHORITY TO CANCEL.—At the same time as the President transmits to Congress a special message under subsection (b)(I)(B)(i) proposing to cancel budget items, the President may direct that any budget item or items proposed to be canceled in that special message shall not be made available for obligation or take effect for a period not to exceed 45 calendar days from the date the President transmits the special message to Congress. The President may make any budget item or items canceled pursuant to the preceding sentence available at a time earlier than the time specified by the President if the President determines that continuation of the cancellation would not further the purposes of this Act.

''(f) DEFINITIONS.—For purposes of this section—

''(1) The term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

''(2) The term 'budget item' means—

''(A) an amount, in whole or in part, of budget authority provided in an appropriation Act except to fund direct spending programs and the administrative expenses social security; or

''(B) a targeted tax benefit.

''(3) The term 'cancellation of a budget item' means—

''(A) the rescission of any budget authority provided in an appropriation Act; or

''(B) the repeal of any targeted tax benefit.

''(4) The term 'companion bill' means, for any bill introduced in either House pursuant to subsection (c)(1)(A), the bill introduced in the other House as a result of the same special message.

''(5) The term 'targeted tax benefit' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.''.

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''and 1017'' and inserting ''1012A, and 1017''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''sections 1012A and 1017''.

(c) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 1012 the following:

''Sec. 1012A. Expedited consideration of certain proposed cancellations of budget items.''.

(d) EFFECTIVE PERIOD.—The amendments made by this Act shall—

(1) take effect on the date of enactment of this Act;

(2) apply only to budget items provided in Acts enacted on or after the date of enactment of this Act; and

(3) cease to be effective on September 30, 1998.

Mr. GREGG. As to this amendment, on March 23, Senator BYRD rose and said: '' . . . I am 100 percent behind the substitute by Mr. Daschle, and I ask unanimous consent that my name may be added as a cosponsor.''

This amendment is essentially what I have offered as the second-look-at-waste amendment. In fact, I will be honest, I would be willing to probably modify my amendment to basically track the Daschle amendment exactly. I have some differences with the Daschle amendment. I do not think in some places it is constructed as well as mine because it has 13 shots from the President. I happen to think that is a mistake. And it is not referred to committees, which I think is a mistake. I would be willing to offer it. If that is what it takes to mute the argument that this is a line-item veto amendment, then I will do that because this is not a line-item veto amendment.

So my immense respect for the Senator from West Virginia and my very high regard for his arguments as to why he opposes the line-item veto remain. I continue to have enthusiasm in both those accounts for him. But I have to say I think for him to characterize this amendment as a line-item veto amendment is incorrect. This amendment is much better characterized as being close to, in fact, the child of, the Daschle amendment of 1995, which had broad support on the other side of the aisle, as I have already mentioned.

With that, Mr. President, I yield the floor.

Mr. LOTT. Mr. President, will the Senator withhold his yielding the floor? I would like to ask him a few questions.

Mr. GREGG. Of course.

The PRESIDING OFFICER. The Republican whip.

Mr. LOTT. Mr. President, I thank Senator GREGG for his work in this area and for the several speeches he has given on this matter over the last few days. I have found it very informative. I hope we have something worked out where we can actually get a vote on this issue. It is still the Senate and, generally speaking, we try to accommodate Members' wishes to discuss an issue and get a vote.

But a little bit of history: I worked very hard, as I pointed out yesterday, on line-item veto legislation, and we got it done. The first time it was used I was very disappointed in the way that President Clinton used it. I thought the veto list had some serious political implications and was very disappointed in that and wondered if I had done the right thing. Then, of course, the Supreme Court struck it down. And now we are back here.

Now, tell me again—where a layman can understand—why is this so-called enhanced rescission?

Mr. GREGG. Second look at waste.

Mr. LOTT. Second look at waste. I like that. I like them taking another look at waste. And I like putting it

against the deficit. In fact, I remember back in the 1970s arguing that a President should be able to rescind funding, not spend money that Congress said he should spend because they had been doing it back since the time of Jefferson. That led to, in 1974, the Budget Empowerment Act, which stopped President Nixon and subsequent Presidents from doing that.

There is no question that we sometimes adopt bills that spend funds that should not be spent or events overtake spending. I think there should be some process for a President to get a reconsideration. There may be better ways to use that money. But I do think we have a constitutional role in that too. Once we indicate this is where we think it should be spent, the overwhelming burden should be to explain why not.

The question to you, I say to the Senator, is this: No. 1, why is this different from the line-item veto that we passed that was stricken down by the Supreme Court?

Mr. GREGG. Well, the fundamental difference from the line-item veto is that it does not require a supermajority to reject the idea of the President. It requires a majority of both Houses—both Houses have to have a majority vote in favor of the President's position. Therefore, either House can strike down the President's position. So you retain—we, the Congress—the power of the purse.

Mr. LOTT. Was there language in the Supreme Court that indicated this sort of thing might solve their constitutional reservations?

Mr. GREGG. It is my understanding, from the constitutional lawyers whom we have had look at this, that this would solve the constitutional issues which were raised by a line-item veto because it is not a line-item veto.

Mr. LOTT. Why do you think it is necessary to have four bites at this apple? I am inclined to give Presidents a chance to send up a rescission list. I think it should have a vote. I think it should be an expedited procedure. I like the fact that if we do not spend it, he cannot turn around and spend it somewhere else and it goes to reduce the deficit. I can even see giving him a second bite later on in the year as long as it is not some of the same things a second time. And you took care of that concern I had last year.

But why four times? We will wind up spending half the year working on expedited proceedings to get a vote on rescissions, possibly.

Mr. GREGG. Well, Mr. President, the administration asked for 10 times. The Daschle amendment had 13 times. We reduced it to 4 times, for the exact point that the assistant Republican leader made, which was we did not think the Congress should be able to have these issues wrap up our schedule.

Under this schedule, each rescission would be subject to 10 days before it had to be voted on. I am perfectly agreeable, should we get this into a process where we can amend it, as I said earlier, to include strike language or consider that and to also include language which would take it down to fewer times. That is not a problem, as far as I am concerned. We settled on four, arbitrarily, to say the least.

Mr. LOTT. Mr. President, I say to the Senator, I hear a lot of talk in this Chamber on both sides of the aisle about how we do worry about deficits and getting spending under control and getting some further disclosure or limits on earmarks. Some of that I do not even agree with. But there is a lot of positioning about how we need to get some better control on spending. Wouldn't this be one way to do that? ''It would sort of help me before I do it again,'' sort of thing.

Mr. GREGG. To answer the Senator's question, absolutely, that is what it would do. It, essentially, would create another mechanism where Congress would have a light-of-day experience on things that tend to get buried in these omnibus bills and may have to make a clear call as to whether that spending was appropriate. So, yes, it is very much an issue of fiscal discipline. It is very much an issue of managing earmarks.

Mr. LOTT. Mr. President, we gripe about this earmark or that earmark. Usually it is somebody else's earmark, not our earmark. So we do position on that subject. But this is one last way to make sure those earmarks see the light of day and are reviewed, not in a way where the President can just summarily do it but where he can do it, and we have to face up and vote yes or no.

So I thank the Senator for what he has done. He has been a great chairman of the Budget Committee. I am looking forward to watching him and the Senator from North Dakota work together. I believe we might actually do some good things under yours and his leadership. I wish you the very best in that effort. Thank you.

Mr. President, here we are, the Sun has set on Thursday. It is a quarter to 6. The Sun officially went down at 5:13. We are like bats. The Senate will soon come out from wherever we have been. I am not blaming anybody on either side of the aisle, but I don't know what happened today. Somewhere back, I guess, about 2 o'clock all the combatants went to their respective corners, and there has not been a blow thrown since.

So some people might say: Do something about it. Well, I am trying to do something about it by shedding a little light on what we are not doing. We have been out here marking time all afternoon.

I know how it works. Papers are exchanged, amendments added and struck, and agreements are made. Hello, it is a quarter to 6. I had high hopes and I have high hopes that the Senate is going to find a way to work together and do a better job and that we work at 11 o'clock on Wednesday morning instead of 11 o'clock at night. I know a lot of people don't agree with me on this, but I don't see why it is a good idea to be voting at 11 o'clock on Thursday night but not on Friday morning. I still think it is a really good idea to work during the daylight and go home and not have a meal with a lobbyist but have a meal with your family.

I don't know what else to do. I have called everybody involved. I have been to offices. I have been stirring around, scurrying around. Is there an agenda here? I don't get it. But I know what is going to happen. All of a sudden, we are going to come out of our cages and we are going to start a whole series of votes. Well, let's get started.

I notice the Presiding Officer is an old House Member. There was a clear rule in the House, an adage that was proven right every time, and that has been one of the problems with the House. More and more, the House tried to cram a week's worth of work into 2½ days, and they would have a series of votes at 11 o'clock—outrageous—at night. Any time you are in session beyond 9 o'clock, the odds are pretty good you are going to mess up, do something wrong and embarrass yourself.

So I would say to our leaders: We have an opportunity here to do a better job and to work with each other. But the last 2 days? Again, you might say: Well, it is because Senator GREGG had an amendment. Well, why don't we just vote and move on? People can say: Well, we are working out an agreement where we won't have a lot of votes. Well, we might just as well have a lot of votes. We are standing around giving speeches on something we are not even going to vote on. This is the kind of thing that I think leads to problems and tarnishes our image. I wish we could find a way to do things in a more normal way. But maybe the Senate can't do that. Maybe the Senator from Maryland will help us find a better way to do things as a new Member of the institution. I hope so.

I thought maybe I could draw somebody out, but I guess I was too general. Nobody has moved. The doors are still closed. I have half a mind to ask unanimous consent that we complete all votes on all amendments and all time be expired effective in the morning at 9 o'clock, and I will see you all tomorrow. Maybe I ought to do that. That would be good. Of course, I have no authority to do that, but somebody ought to do it to try to get this place to function normally.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I hope to speak at some length about the line-item veto at a later time. However, for the benefit of my colleagues, I want to respond to the arguments put forward today about two measures I endorsed in 1995 and 1996.

The Daschle amendment that I cosponsored in 1995, and the amendment I offered to the motion to recommit the line-item veto conference report in 1996, are vastly different in regard to their Constitutional ramifications from what has been offered by Senator GREGG to the ethics reform bill.

The Gregg proposal allows the President to submit rescission proposals up to 365 days after he signs a bill into law. Such latitude would allow the President to unilaterally veto a one-year appropriation by delaying its expenditure, and then submitting it for rescission within 45 days of its expiration. In contrast, the proposals I endorsed in 1995 and 1996 would have limited a President to submitting rescission proposals within 20 days of a bill being signed into law. The proposals I have endorsed would have prevented the President from unilaterally cancelling a one-year appropriations. The Gregg amendment contains no such protection.

The Gregg proposal also prohibits amendments to the President's rescission requests. In contrast, the proposals I have endorsed would have allowed motions to strike. Without the right to amend, Senators are vulnerable to threats by any President who would target a Member's spending and revenue priorities and force the Senate to vote on them at a time and in the manner decided by the President.

I have the greatest respect for the Senator from New Hampshire, and the knowledge and expertise he brings to the Congressional budget and appropriations process. He is a good Senator. But I cannot endorse his views with regard to the line-item veto.

AMENDMENT NO. 31

Mr. FEINGOLD. Mr. President, I wish to speak on amendment No. 31, which I have offered with Senator OBAMA, and which, unless agreement is reached otherwise, will be voted on when we return to the bill in an attempt to finish it. We have offered this amendment to try to give some teeth to the so-called revolving door statute.

The shortcomings of the revolving door law have been known for some time. This bill already corrects two of them, and I strongly support those provisions.

First, it increases the so-called cooling off period—that is, the period during which restrictions on the activities of former Members of Congress apply—from 1 year to 2 years.

Second, it expands the prohibition that applies to senior staff members who become lobbyists. Rather than having to refrain from lobbying the former employing Senator or committee, staffers turned lobbyists may not lobby the entire Senate during this cooling-off period.

These are important changes, but there is an additional reform that I believe we must adopt if the revolving door statute is to be a serious impediment to improper influence peddling.

My amendment would prohibit former Senators not only from personally lobbying their former colleagues during the 2-year cooling-off period, but also from engaging in lobbying activities during that period.

Let me talk for a minute about revolving door restrictions generally, and then I will discuss the need for this particular amendment. The revolving door is a problem for two basic reasons. First, because of the revolving door, some interests have better access to the legislative process than others. Former Members and staff, or former executive branch employees, know how to work the system and get results for their clients. Those who have the money to hire them have a leg up.

The public perceives this as an unfair process, and I agree. Decisions in Congress on legislation, or in regulatory agencies on regulations or enforcement, or in the Defense Department on huge Government contracts, should be made, to the extent possible, on the merits, not based on who has the best connected lobbyist.

The second problem of the revolving door is it creates the perception—perception—that public officials are cashing in on their public service, trading on their connections and their knowledge for personal profit. When you see former Members or staff becoming lobbyists and making three or four or five times what they made in Government service to work on the same issues they worked on here, that raises questions for a lot of people.

Both sides of this coin combine to further the cynicism about how policy is made in this country and who is making it. That, ultimately, is the biggest problem here. The public loses confidence in elected officials and public servants.

One of the worst things we can do here is say we are addressing a problem, knowing we are not getting at the core of the problem. That is what has happened with the revolving door. We have a so-called cooling-off period, which basically has become a ''warming-up period.'' Former Members leave office and they almost immediately join these lobbying firms. Both they and their employers know they cannot lobby Congress for a year, but it does not matter. They can do everything short of picking up the phone or coming to the meeting. They can strategize behind the scenes. They can give advice on who to contact, what arguments to use, what buttons to push. They can even direct others to make the contacts, and say they are doing so at the suggestion of the ex-Senator in question, who is supposedly in the middle of this 2-year cooling-off period.

Making it a 2-year warming-up period does not do enough. We have to change what is allowed during that period. Only then will the public believe we have addressed the revolving door problem.

The Lobbying Disclosure Act requires lobbying firms and organizations that lobby to report on how much they spend not on lobbying contacts but on lobbying activities. ''Lobbying activities'' is a defined term, covering ''lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.'' This term I just mentioned and defined has been in use for over a decade without controversy.

So the Feingold-Obama amendment simply prohibits former Members of Congress from engaging in lobbying activities for the 2 years following their congressional service. If the money spent on what the former Member is doing would have to be reported under the LDA, then the former Member cannot do it. Adopting this amendment will show the public we are serious about addressing the revolving door problem. It will make a real difference, which I fear simply lengthening the cooling-off period will not.

I have heard some complain that by doing this we are going after our former colleagues' ability to make a living and support their families. I strongly disagree with that.

According to a study done by Public Citizen in 2005, it is only in the last decade or so that lobbying has become the profession of choice for former Members of Congress. In any event, we are not talking about a lifetime ban, just a real cooling-off period for 2 years. Members of Congress are highly talented, highly employable people. Surely, their experience and expertise is of interest to potential employers for something other than trying to influence legislation right after they leave the House or the Senate.

There are many other kinds of work, including some that may be just as fulfilling, though perhaps not as rewarding financially, as representing private interests before their former colleagues. This is not a question of punishing those who serve in Congress. It is a question of Members of Congress recognizing that we are here as public servants, and when that service ends, we should not be allowed to turn around and transform it into a huge personal financial benefit.

If after sitting out an entire Congress—2 full years—a former Member wishes to come to Washington and lobby, he or she can do that. But some of the issues will have changed, and so will the membership of the Congress. The former Member will not have quite the same advantages and connections after a true 2-year cooling-off period. So even if these Members do become lobbyists at that point, I think we will be able to tell our constituents with a

straight face that we have addressed the revolving door problem in a meaningful way.

Let me emphasize one thing about this amendment. It does not apply to former staff. The reason is simple. We let, under this, former staffers leave this building and become lobbyists tomorrow. They are limited in what offices they can contact, but they are allowed to lobby. So preventing them from engaging in lobbying activities only with respect to certain offices would not make sense. But for former Members, who are prohibited from contacting anyone in the Congress, this additional prohibition actually makes a lot of sense and will have a real impact.

The American people are looking for real results in this legislation. We cannot claim to be giving them that with respect to the revolving door without this amendment. So I urge my colleagues to vote for the Feingold-Obama amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I listened with interest to my friend from Wisconsin. I have to repeat what I said on the floor before. I may be the only one—I am not sure—who has had experience with the revolving door, as one who went through it. I worked in the Nixon administration. The day after I walked out, I had a number of clients who wanted me to lobby them at my former department. I was at the Department of Transportation, and I was the chief lobbyist. We pretend that executive departments don't have lobbyists. We call them congressional relations specialists or congressional liaisons, but they are lobbyists. And I had been lobbying the Congress on behalf of the Department of Transportation.

In that role I got access to the Secretary's inner circle. And the day after I left, I was hired by people who had interests before the Department. There was no prohibition for that at that time. So I went to the Department of Transportation and to my old friends with whom I had been working very closely for that period of time. I discovered very quickly that the fact that I no longer was at the Secretary's ear, the fact that I no longer had any position of influence in the Department made me a whole lot less welcome in their offices than I had been the week before. They were happy to see me. They were polite. But they had other things to do. And they were happy to get me out of their offices and out of their hair as quickly as they could.

Did I have an advantage? Yes, I had the advantage of knowing the Department well enough to know where to go and not waste my time. Did I have any additional clout to get these people to do something that would not have been in the public interest by virtue of the fact that I had been there and worked with them and knew them? Not at all. These were legitimate public servants who were not about to do something improper just because a friend who had worked with them asked them to do it. Of course, I was not about to ask them to do anything improper because that would be a violation of my responsibility to my clients. But I learned quickly that this idea of the revolving door is vastly overrated and overstated by some of our friends in the media.

I suppose we will pass the Feingold amendment. I don't suppose it will make any difference. But the idea that a former Member sitting in a board room talking to other people who are engaged in lobbying activity and saying to them: Don't talk to Senator so-and-so, talk to Senator so-and-so because the second Senator so-and-so is the one who really understands this issue. Don't waste your time with the first one. I know him well enough to know that he really won't get your argument—to criminalize that kind of a statement made in a law firm or a lobbying firm, to me, is going much too far. But we will probably pass it. We will go forward. We will see if it survives the scrutiny that it will get in conference and in conversations with the House.

I, once again, say that we are doing a lot of things that are in response to the media and in response to special interest groups that call themselves public interest groups but raise money and pay salaries just as thoroughly as the special interest groups. And they have to have something to do to keep their members happy. They have to have something to do to keep those dues coming in, those contributions coming in. So they scare them that a U.S. Senator, who leaves and goes to a law firm, cannot be in the room when anybody in that law firm is talking about exercising their constitutional right to petition the Government for redress of their grievances because, if the Senator is in that room for a 2-year period, he is somehow corrupting the entire process. I think that is silly.

Mr. FEINGOLD. Mr. President, I would just say, in response to my friend from Utah, that I don't doubt for a minute that what he has said is true. But to generalize from his experience I don't think makes sense. Our former colleagues are making millions of dollars trading on their experience. I don't think these lobbying firms are throwing away their money for nothing. And I know the public doesn't believe that, which is a very good reason to adopt this amendment. It is not silly; it is the right thing to do.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1) to provide greater transparency in the legislative process.

Pending:

Reid amendment No. 3, in the nature of a substitute.

DeMint amendment No. 12 (to amendment No. 3), to clarify that earmarks added to a conference report that are not considered by the Senate or the House of Representatives are out of scope.

DeMint amendment No. 14 (to amendment No. 3), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

Vitter-Inhofe further modified amendment No. 9 (to amendment No. 3), to prohibit Members from having official contact with any spouse of a Member who is a registered lobbyist.

Leahy-Pryor amendment No. 2 (to amendment No. 3), to give investigators and prosecutors the tools they need to combat public corruption.

Gregg amendment No. 17 (to amendment No. 3), to establish a legislative line item veto.

Ensign amendment No. 24 (to amendment No. 3), to provide for better transparency and enhanced congressional oversight of spending by clarifying the treatment of matter not committed to the conferees by either House.

Ensign modified amendment No. 25 (to amendment No. 3), to ensure full funding for the Department of Defense within the regular appropriations process, to limit the reliance of the Department of Defense on supplemental appropriations bills, and to improve the integrity of the congressional budget process.

Cornyn amendment No. 26 (to amendment No. 3), to require full separate disclosure of any earmarks in any bill, joint resolution, report, conference report or statement of managers.

Cornyn amendment No. 27 (to amendment No. 3), to require 3 calendar days notice in the Senate before proceeding to any matter.

Bennett (for McCain) amendment No. 28 (to amendment No. 3), to provide congressional transparency.

Bennett (for McCain) amendment No. 29 (to amendment No. 3), to provide congressional transparency.

Lieberman amendment No. 30 (to amendment No. 3), to establish a Senate Office of Public Integrity.

Bennett-McConnell amendment No. 20 (to amendment No. 3), to strike a provision relating to paid efforts to stimulate grassroots lobbying.

Thune amendment No. 37 (to amendment No. 3), to require any recipient of a Federal award to disclose all lobbying and political advocacy.

Feinstein-Rockefeller amendment No. 42 (to amendment No. 3), to prohibit an earmark from being included in the classified portion of a report accompanying a measure

unless the measure includes a general program description, funding level, and the name of the sponsor of that earmark.

Feingold amendment No. 31 (to amendment No. 3), to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period.

Feingold amendment No. 33 (to amendment No. 3), to prohibit former Members who are lobbyists from using gym and parking privileges made available to Members and former Members.

Feingold amendment No. 34 (to amendment No. 3), to require Senate campaigns to file their FEC reports electronically.

Durbin amendment No. 36 (to amendment No. 3), to require that amendments and motions to recommit with instructions be copied and provided by the clerk to the desks of the Majority Leader and the Minority Leader before being debated.

Cornyn amendment No. 45 (to amendment No. 3), to require 72 hour public availability of legislative matters before consideration.

Cornyn amendment No. 46 (to amendment No. 2), to deter public corruption.

Bond (for Coburn) amendment No. 48 (to amendment No. 3), to require all recipients of Federal earmarks, grants, subgrants, and contracts to disclose amounts spent on lobbying and a description of all lobbying activities.

Bond (for Coburn) amendment No. 49 (to amendment No. 3), to require all congressional earmark requests to be submitted to the appropriate Senate committee on a standardized form.

Bond (for Coburn) amendment No. 50 (to amendment No. 3), to provide disclosure of lobbyist gifts and travel instead of banning them as proposed.

Bond (for Coburn) amendment No. 51 (to amendment No. 3), to prohibit Members from requesting earmarks that may financially benefit that Member or immediate family member of that Member.

Nelson (NE) amendment No. 47 (to amendment No. 3), to help encourage fiscal responsibility in the earmarking process.

Reid (for Lieberman) amendment No. 43 (to amendment No. 3), to require disclosure of earmark lobbying by lobbyists.

Reid (for Casey) amendment No. 56 (to amendment No. 3), to eliminate the K Street Project by prohibiting the wrongful influencing of a private entity's employment decisions or practices in exchange for political access or favors.

Sanders amendment No. 57 (to amendment No. 3), to require a report by the Commission to Strengthen Confidence in Congress regarding political contributions before and after the enactment of certain laws.

Bennett (for Coburn) amendment No. 59 (to amendment No. 3), to provide disclosure of lobbyist gifts and travel instead of banning them as proposed.

Bennett (for Coleman) amendment No. 39 (to amendment No. 3), to require that a publicly available website be established in Congress to allow the public access to records of reported congressional official travel.

Feingold amendment No. 63 (to amendment No. 3), to increase the cooling off period for senior staff to 2 years and to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period.

Feingold amendment No. 64 (to amendment No. 3), to prohibit lobbyists and entities that retain or employ lobbyists from throwing lavish parties honoring Members at party conventions.

Feingold-Obama amendment No. 76 (to amendment No. 3), to clarify certain aspects of the lobbyist contribution reporting provision.

Obama-Feingold amendment No. 41 (to amendment No. 3), to require lobbyists to disclose the candidates, leadership PACs, or political parties for whom they collect or arrange contributions, and the aggregate amount of the contributions collected or arranged.

Nelson (NE)-Salazar amendment No. 71 (to amendment No. 3), to extend the laws and rules passed in this bill to the executive and judicial branches of government.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, first of all, I apologize to everybody for having Senators wait around. I can remember when I was in the House, and in the interest of coming to the Senate, I turned on the TV set. Jim Exon from Nebraska kept suggesting the absence of a quorum. I was so upset not knowing what the procedure was. But I came and served with Jim Exon—first of all, he was as big as the Presiding Officer, and he was a man who was very dedicated to the Senate. But after I got here, I understood more what was happening. So I apologize for all the quorum calls. A lot of people think nothing is going on, but Democrats and Republicans and staff have been working so hard from last night to today to get us to this point.

Mr. President, I ask unanimous consent that all amendments to the amendment No. 3 be withdrawn and that the following be the only amendments remaining in order to the bill or substitute amendment; that the votes in relation to the amendments begin at 8:10 this evening, with 2 minutes for debate equally divided between each vote; that upon disposition of the above-listed amendments, the substitute amendment No. 3 be agreed to as amended, the bill be read the third time, and the Senate vote, without any intervening action or debate, on final passage of the bill.

The amendments that I have referred to are as follows: Bennett amendment No. 20 on grassroots lobbying; Lieberman-Collins amendment No. 30; Vitter amendment No. 9 on spouses; Coburn amendment No. 51 on gifts and travel disclosure; Ensign-DeMint amendment on scope of conference; Feingold amendment No. 31 on former members lobbying; Feingold amendment No. 33 on gym and parking; Durbin amendment No. 77 on providing managers copies of amendments; Obama amendment No. 41 on bundling; Sanders amendment No. 57 on study; Coleman-Cardin amendment No. 39, as modified, on travel Web site; managers' amendment to be agreed to by both managers; further, that the Senate begin consideration of H.R. 2, the minimum wage bill on Monday, January 22, at 2 p.m. and that Senator COBURN be recognized to speak following final passage following the remarks of the two leaders.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, would the leader add to that, after the first vote that subsequent votes be 10-minute votes?

Mr. REID. Yes, I will.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Mr. President, reserving the right to object, my understanding is that when the Senate turns to minimum wage, the majority leader, or his designee, will offer a substitute amendment that will be fully amendable; is that correct?

Mr. REID. True.

Mr. GREGG. Further, I understand the majority leader is aware that I have agreed to withdraw my amendment on this bill, the lobby reform bill, and I will be here Monday to offer my language to the minimum wage bill.

Mr. REID. That is my understanding. The Senator absolutely has that right.

Mr. GREGG. Further reserving the right to object, I understand that the majority leader will be unable to reach consent for a time agreement to vote on my amendment; therefore, it is likely that a cloture motion will be filed on my language on Monday. I expect my language to be the first amendment to the bill.

Mr. REID. It may not be the first, but we have an agreement that it would be following my recognition, the offering of the substitute, and the minority leader, who would be recognized.

Mr. GREGG. I thank the two leaders for their assistance in this process. I believe this is a reasonable way to bring up the amendment that I have offered and to move this bill at the same time.

I understand that on Monday it would be the expectation that nobody will be complaining that I have it on the wrong vehicle.

Mr. REID. Mr. President, before the Republican leader says anything, I will be brief. We have been able, if this agreement is reached, to accomplish what the distinguished Republican leader and I intended to do this week. As a result of that and an agreement to go forward on the minimum wage, there will be no votes tomorrow or Monday.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, to reiterate what the majority leader indicated, as a result of this agreement, which did take a while—and I know some of our colleagues wondered if we were ever going to get there—we will complete the bill tonight, and we will have no votes tomorrow or Monday.

This was a successful example of good negotiation—although it took a while—for a favorable result.

Mr. REID. Mr. President, has the agreement been accepted?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, in that we are not voting until 8:10, I will say a few words. Let me say this. This legislation has been extremely difficult to deal with. It is difficult because it directly affects our lives, Members of the Senate. In the short term, this is going

to be difficult because we are going to have to get used to the provisions in this piece of legislation. But in the long term, we will all be thankful these steps have been taken. This legislation will remove even the appearance of impropriety from the work done in this Chamber.

This is not a time for declaring victory. Legislation is the art of compromise, the art of consensus building. There has been a victor in all of this when this matter is completed and that is the American people. I am not a victor, I am not a loser. Senator MCCONNELL is not a victor or a loser. We have worked through this in the way that legislators should work through difficult pieces of legislation. I believe last November Americans, through their votes, asked us to make Government honest. We have done that. We are going to give them what I believe is a Government they deserve.

I am satisfied that this debate has been good for this body. Now we are going to move forward, recognizing the last 24 hours has not been easy legislatively. As Senator DURBIN said last night, it was a bump in the road. It was a real bump and people should have had their seatbelts on because it was a difficult bump. But I believe last night there were people looking for an excuse to not move this bill forward. Let me say, underlying and underscoring this, as I said last night—and I will say it again—Senator JUDD GREGG, the senior Senator from New Hampshire, is a person who has tremendously strong principles. He believes in this legislation. I believe just as strongly that it is wrong. But he believes it is right. I admire and respect him for doing that, just as his partner on the Budget Committee, Senator CONRAD, is a person of principle. They have worked on this issue and other issues together, as legislators should work together. I so much respect the way they work together. They disagree on a number of different issues, but they do it in a way that I think brings dignity to this body.

I, also, wish to say one thing about my friend, Senator RUSS FEINGOLD. He has been a pioneer on a number of different legislative issues. He fought tooth and nail with my friend, the Republican leader, on campaign finance reform. It was a debate that went on for a number of years in this body. Senator FEINGOLD is a person who has talked about ethics since he came to the Senate. There are a lot of people responsible for this legislation, but there is no one more responsible than the Senator from Wisconsin.

He has been a pioneer, and he has not let up from the time he came to the Senate to today in moving forward on what he believes is good for this body politic. With rare exception, I agree with him. He is my friend. He is a person for whom I have great admiration based on his, if nothing else—and there is plenty more—being a Rhodes Scholar, a Harvard graduate with honors, a man who was a dignified and successful lawyer before he came to the Senate. He has shown he is a good legislator. So I have great respect for him.

In the past, I called this legislation the toughest reform since Watergate. That is an understatement. This is the toughest reform bill in the history of this body as it relates to ethics and lawmaking. So everyone tonight, when they vote on this bill, should vote proudly. What is going to happen soon is historic: requiring new lobbying disclosure, banning all gifts, reforming earmarks, requiring Senators to pay charter rates on corporate jets. We will restore the confidence of our citizenry in the Government.

I so appreciate the work that has been done on this legislation. I appreciate the work of my friend, the Republican leader. We have had disagreements on this legislation, but we have an agreement in principle as to what this body is all about. I look forward to working together on more bipartisan legislation. This is bipartisan legislation sponsored by the Democratic leader and the Republican leader of the Senate.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I say to my friend, the majority leader, I couldn't agree more. This is a classic example of bipartisanship in the Senate at its very best. We had good bipartisan support last year when we passed a similar bill 90 to 8. This year, I think we are going to finish the job.

I particularly wish to recognize, on this side of the aisle, the extraordinary work of Senator GREGG in achieving his goal on the next bill up to get an important vote that is important not only to him but to many Members on our side of the aisle.

I extend my congratulations to my good friend, BOB BENNETT, the ranking member on our side, who has been involved on this from beginning to end and has done an extraordinary job of managing a very complex and difficult bill; to Senator SUSAN COLLINS, who has been a leader on the Collins-Lieberman amendment on which we will be voting shortly; to Senator VITTER, Senator COBURN, Senator DEMINT, who have been extremely active on this bill, and each of them has an imprint on this final passage measure that we will be dealing with shortly.

Mr. President, I congratulate all Senators for an extraordinary accomplishment, under very difficult circumstances on a broad, bipartisan basis. The patience that was exhibited to allow us to get to this point, I remind everyone, is what produced an opportunity to have no votes tomorrow and no votes on Monday. I think this was worth the wait.

I congratulate the majority leader.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I failed to acknowledge the managers of this bill. I apologize to both of them. They have been masterful in working this bill the last 2 weeks. The two managers are going to be involved heavily in getting this through conference. I have so much respect for both of them. They are outstanding Senators.

I repeat, I am so sorry I didn't acknowledge them. I should have done that in the beginning because they have done more than anybody else in moving this bill forward. They worked as partners moving this bill forward. It has been a difficult partnership because of the different thoughts on different sides of the aisle as to what is good and bad. They have been able to be dignified in what they have done. I appreciate it.

AMENDMENT NO. 20

The PRESIDING OFFICER. The pending question is the Bennett amendment No. 20.

Mr. BENNETT. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BENNETT. How is the time allocated between now and the scheduled votes?

The PRESIDING OFFICER. No time is allocated. The Senator may speak.

Mr. BENNETT. Do I understand, Mr. President, that the votes are not locked in for 8:10 p.m.?

The PRESIDING OFFICER. Under the previous order, the voting begins at 8:10 p.m.

Mr. BENNETT. So the time between now and 8:10 p.m. is not allocated.

The PRESIDING OFFICER. That is correct.

Mr. BENNETT. Mr. President, I wish to be fair to whoever opposes my amendment to allow time for them to do that, but I would like to speak briefly in favor of my amendment.

My amendment is called the grassroots lobbying amendment. I have discussed it and its virtues at some length previously during the period of debate, but I remind everyone what this is all about.

This has to do with the regulations and reporting requirements placed on organizations that stimulate people to contact their Members of Congress. These organizations can be, and many times are, outside of Washington, DC. They can, and many times do, carry on their work without ever contacting a Member of Congress directly or participating in any of the activities we normally think of as lobbying. And yet, if an organization or an individual were to stimulate neighbors, Members of a fraternal organization, their bowling club—whatever it is—to try to get them active in the process of petitioning the Government, they run the risk of not registering properly because under the underlying bill, they are defined as lobbyists, and if they fail to fill out their forms properly, if they fail to register properly, they are subject to a $200,000 fine.

The ACLU has said—in my opinion accurately—that this would have a

chilling effect on all of these kinds of activities. People on the right side, the National Right to Life, have said this would have a chilling effect on everything we do.

I know there has been talk about astroturf lobbyists and astroturf campaigns. I am certainly competent to know when an astroturf phony campaign has been mounted. The letters and the postcards come into the office, and it is very transparent they are not genuine and real. I do not need to be protected from my constituents by the language in the underlying bill.

My amendment is very simple. It simply strikes the grassroots provision.

Mr. MCCAIN. Mr. President, I intend to support amendment No. 20 offered by my colleague from Utah, Senator BENNETT. This amendment would strike section 220, the grassroots reporting provision, from the bill.

Yesterday, during my statement on the need for comprehensive lobbying and ethics reform, I discussed the importance of an informed citizenry and how it is essential to a thriving democracy. A democratic government operates best in the disinfecting light of the public eye. With this bill, we have an opportunity to balance the right of the public to know with its right to petition government; the ability of lobbyists' to advocate their clients' causes with the need for truthful public discourse; and the ability of Members to legislate with the imperative that our government must be free from corrupting influences, both real and perceived. We must act now to ensure that the erosion we see today in the public's confidence in Congress does not become a collapse of confidence.

We have an obligation to address this crisis of confidence, but we also have an obligation to ensure that we do so in a thoughtful, reasoned, and constitutional manner. It is imperative that we be mindful of the rights of American citizens to freely contact their public officials and take part in the political process. After careful consideration, and much input from groups representing all parts of the political spectrum, it has become evident to me that section 220 of the underlying bill could seriously impact legitimate communications between public interest organizations and their members. That is why I will support the efforts of my colleague from Utah to strike section 220 from the bill.

It is my understanding that, under this provision, small organizations—many with no representation in Washington—would have to register as grassroots lobbying firms. These groups would then have to comply with onerous quarterly reporting requirements or face fines and criminal penalties. I do not think it was the intention of the proponents of this provision to restrict the ability of groups to communicate with their membership, but I have concluded that this could very well be the outcome.

The approach taken in the underlying bill is one of greater disclosure of and transparency into the interactions of lobbyists with our public officials. More transparency and disclosure of professional lobbyists' activities can only lead to better government. Unfortunately, section 220 simply goes too far, and I fear that the unintended consequences would negatively impact the legitimate, constitutionally protected activities of small citizen groups and their members.

Mr. LEVIN. Mr. President, I oppose the amendment offered by Senator BENNETT which would strike the grassroots lobbying provision in S. 1.

Several years ago, I, along with several colleagues, undertook the task of strengthening reporting requirements for lobbyists. This culminated in the passage of the Lobbying Disclosure Act which broke new ground by allowing sunlight into the activities of lobbyists in Washington. It finally required meaningful disclosure of the billions of dollars spent on lobbying Members of Congress.

While great progress was made, there was a major loophole left open which needs to be closed. Under current law, lobbyists are permitted to exclude the cost of their efforts to stimulate grassroots lobbying when they report under the LDA. We recognized this problem in 1996 but were not successful in efforts to address it. However, I continue to believe that lobbyists who engage in this so-called ''Astroturf'' lobbying should also be required to disclose their spending.

The Wall Street Journal examined this issue when we last reviewed this and reported that an estimated $790 million was spent on this type of grassroots lobbying in a 2-year period alone. Accounting for the growth in the lobbying industry that we have seen over the last decade, this number is surely over a billion by now.

What sort of activities does money spent on ''Astroturf'' lobbying efforts pay for? It is spent on phone banks, telephone patch-throughs to Members, and even professional campaign organizers who are paid to go to key congressional districts to organize letter-writing campaigns. These are coordinated efforts costing tens of thousands of dollars which on their face are part of professional lobbying efforts.

I was pleased to work with Senator LIEBERMAN last year to craft a provision during the Homeland Security and Government Affairs Committee's consideration of the lobbying bill that would close this loophole by requiring disclosure of ''paid efforts to stimulate grassroots lobbying.'' It requires disclosure by paid lobbyists and lobbying firms who stimulate the grassroots to take action. We even went so far as to define pure grassroots lobbying and exclude it from this provision.

The Lieberman-Levin provision that was included in S. 1 simply requires disclosure. This provision does not in any way ''restrain'' or ''regulate'' paid efforts to stimulate grassroots lobbying. All that it does is require paid lobbyists to disclose how much they are spending on their grassroots lobbying efforts. This disclosure would be no more burdensome than the disclosure already required by the Lobbying Disclosure Act for direct lobbying: Amounts spent for efforts to stimulate grassroots lobbying, like amounts spent on direct lobbying, would be disclosed only in the form of good-faith estimates, which would be rounded to the nearest $20,000.

In addition, the provision, like the Lobbying Disclosure Act, recognizes that certain organizations are already required to track lobbying expenses, and grassroots lobbying expenses, for IRS purposes. The provision allows these organizations to use their IRS numbers for disclosure purposes, ensuring that they do not have to account twice by different rules.

This section was carefully crafted to exclude certain activities that are not part of this Astroturf lobbying industry. Efforts by an organization to communicate with its own members, employees, officers, or shareholders are expressly excluded. Organizations that exist solely to lobby Congress but do not employ paid lobbyists do not have to report. Finally, any grassroots lobbying efforts targeted at less than 500 people do not have to be reported.

I would also like to clarify just who is required to disclose as a lobbyist under this provision, as there seems to be confusion over this point. Paragraph (b) of section 220 clearly states that individuals who are not registered lobbyists now would not have to register as a lobbyist under this provision so long as their expenditures are only directed at grassroots lobbying. This provision is intended to shed light on the dollars being spent by lobbyists. It in no way affects individuals who want to call or write their Member of Congress.

For the past decade, we have allowed lobbyists to exclude the cost of their organized grassroots lobbying campaigns, even while they are reporting their other lobbying expenses. It is time to put an end to this arbitrary exclusion because the public has a right to know who is paying how much to whom in an effort to influence our decisions.

I urge my colleagues to vote ''no'' on the Bennett amendment.

The PRESIDING OFFICER. The hour of 8:10 p.m. having arrived, the question is on agreeing to the Bennett amendment No. 20.

Mr. BENNETT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, before I propound a unanimous consent request, I would very much like to

thank both leaders. I know this has been a difficult day. I think it has worked out, and I think that is to the good. I hope everyone else who has waited hour after hour understands that the leadership was in negotiations and there is a product of those negotiations.

I, also, thank the ranking member with whom it has been a great pleasure for me to work. Members should know that we are new. Members should know that our staffs are new to the committee and that this is their first bill on the floor. I believe they have done an excellent job, both on the Democratic side and on the Republican side. It is a kind of baptism of fire, if you will. I say thank you.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the chairman of the committee for her kind words. I echo her laudatory comments about the staffs on both sides. This is a baptism of fire for all of us, for my staff and her staff as well, and they have had enough background that they know how to swim.

We are very grateful for the cooperation we have received and the support that has come from the staff. I look forward to a productive Congress, working with Senator FEINSTEIN on the Rules Committee on all of the other matters that will come before us.

AMENDMENT NO. 98

Mr. ENSIGN. Mr. President, in a moment, the Senate will adopt the Ensign-McCain-DeMint amendment related to scope of conference. I want to thank Senator MCCAIN and Senator DEMINT for working with me on this amendment.

I also want to explain why this amendment is such an important improvement over the underlying bill. Under the Constitution, the legislative branch controls the purse strings. That is a significant authority given to Congress. Congress must use that authority wisely. As I explained earlier today on the floor, too often conferees insert earmarks in conference reports that were not funded in either bill passed by the House or the Senate.

In a democracy such as ours, Congress should do its business in the full light of day. The entire Senate should consider, debate, and amend legislation in full view of the American public. We should scrutinize how Federal dollars are spent. Each project Congress funds should be debated and considered by Congress. We must do a better job of oversight. We must ensure that the taxpayers' dollars are being spent wisely. But when we insert projects in a conference report, without debate and without oversight, we fail to live up to our responsibilities as Senators.

What the Ensign-McCain-DeMint amendment would do is fix what has become a broken process. My amendment makes clear that a point of order can be raised against any funding, no matter how specific, for any program, project, or account that was not originally funded in either bill sent to conference. This is a simple but critical change. It will improve how Congress operates, and it will make the Government more accountable to the American people.

Mr. MCCAIN. Mr. President, the underlying substitute does include two provisions that are intended to address the out-of-control earmarking and porkbarrel spending of the past years. And, the adoption of the DeMint and Durbin amendments earlier this week have improved upon the underlying bill to ensure that all earmarks are disclosed—including those to Federal entities, as well as all that are included in statements of managers and conference reports. A number of us supported a similar proposal last year, and I am pleased that the effort was finally successful.

I am now pleased that additional improvements will be adopted with respect to section 1 of the underlying bill concerning out of scope matters in conference reports. The amendment sponsored by Senators ENSIGN, DEMINT, and myself, which I understand is agreeable on both sides, would ensure that points of order can be raised against specific items in conference reports. It would add a definition of any matter so that members are empowered to remove out of scope earmarks and policy riders from conference reports without taking down the entire conference report. And, importantly, it would ensure that funding associated with any provision stricken from a conference report is reduced from the total amount appropriated—a critical requirement missing from the underlying measure.

For example, if a conference report provides $10 million for bridge improvements, but then adds a directive that $5 million of that funding should be directed to a specific bridge in a specific place—a directive that was not included in either the House or Senate bill, our amendment would ensure the $5 million that accompanies that out of scope earmark is also removed from the total allocation of the bill. So that the total appropriated would be $5 million, not $10 million. This is about fiscal restraint, Mr. President. It makes little sense to raise a point of order that is sustained against an out of scope earmark, but to appropriate the funding regardless.

While I support the improvements proposed and accepted so far, earmark reform still needs to go much further. We need to curtail earmarks, not just disclose them. The process is clearly broken when each year Congress continues to earmark billions and billions of taxpayer dollars, sometimes with virtually no information about the specifics of those earmarks. The scandal that came to light during the last Congress that involved earmarking by a former House member—now in prison—is a pox not just on him, but on each of us and the process that we have allowed to occur on our watch. The American public, Mr. President, deserves better. That is what this amendment is about.

The growth in earmarked funding in appropriations bills during the past 12 years has been staggering. According to data gathered by CRS, there were 4,126 earmarks in 1994. In 2005, there were 15,877—an increase of nearly 400 percent. There was a little good news in 2006, solely due to the fact that the Labor-HHS appropriations bill was approved almost entirely free of earmarks—an amazing feat given that there were over 3,000 earmarks the prior year for just that bill. Despite this first reduction in 12 years, it doesn't change the fact that the largest number of earmarks in history have still occurred in the last three years—2004, 2005, and 2006.

Now, let's consider the level of funding associated with those earmarks. The amount of earmarked funding increased from $23.2 billion in 1994 to $64 billion in fiscal year 2006. Remarkably, it rose by 34 percent from 2005 to 2006, even though the number of earmarks decreased. Earmarked dollars have doubled just since 2000, and more than tripled in the last 10 years. This is wrong and disgraceful and we urgently need to curtail this seemingly out of control pork barreling practice that has become the norm around here.

I filed an amendment designed to curtail earmarking. I was pleased to be joined by Senators FEINGOLD and GRAHAM in introducing amendment No. 29. Unfortunately, it is clear that we will not be given an opportunity to vote on that amendment and I find myself in the same position as I was in last March during debate on lobbying reform when I was not allowed a vote on my amendment. But one day soon, I am confident we will fundamentally change business as usual with respect to pork barrel spending. The American public has a powerful voice, and I would have thought more of us would have heard that voice last November. But I do want to state my recognition that at least some improvements have been made to require full disclosure of all earmarks and to prevent out of scope matters in conference. And, I believe the Ensign, McCain, DeMint amendment makes further improvements.

AMENDMENT NO. 41

Mr. OBAMA. Mr. President, I have come to the floor to discuss the amendment I introduced with Senator FEINGOLD to require that lobbyists disclose the contributions that they bundle for campaigns. I am grateful to the leadership for accepting the amendment and believe it strengthens an already very strong bill.

Neither I nor any of my colleagues enjoy the amount of money that running for office requires us to raise and spend. And I realize that having influential people help a campaign by asking their friends for contributions makes that task a little easier. And so I appreciate how difficult it can be for us to legislate our own behavior in this area.

But lobbyists who bundle contributions have a personal stake in the outcome of specific legislation before Congress. And because of that nexus, lobbyists should have to report who they are raising money for and the amounts that they are raising—including the contributions that they collect for campaigns from their networks of friends and colleagues.

The legislation before us today is meant to shine a bright light on how lobbyists influence the legislative process. Influence is not just about free meals or gifts or travel but about the millions upon millions of dollars raised to get us elected every few years. We should not keep the biggest role lobbyists play in that process hidden.

We all know that with strict campaign contribution limits, an important sign of a lobbyist's influence is not only how much money he gives but also how much he raises from friends and associates. During the last Presidential campaign, both candidates made great use of bundling.

For instance, the Bush Rangers each raised over $200,000; the Bush Pioneers each raised over $100,000. The Kerry campaign also relied on ''vice chairs'' who raised at least $100,000.

According to a USA Today story in 2003: ''Motives for becoming a bundler include the possibility of increased influence on government policy and consideration for appointment to ambassadorships and other government posts.''

And so if we believe that lobbyists should have to disclose campaign contributions, then they should certainly have to disclose the bundling they engage in so that the public knows the relationship between members, their views on policy, and the industries that support them.

Right now, this relationship is largely hidden from public view. So to correct this gap in the underlying bill, my amendment would require quarterly reporting of all contributions that a lobbyist collected or arranged that total more than $200 in a calendar year. This includes not only campaign contributions, but also contributions to Presidential libraries, inaugural committees, and lawmakers' charities.

The amendment has the support of all the major reform advocacy organizations, as well as congressional scholar Norm Ornstein and Thomas Susman, the chair of the Ethics Committee for the American League of Lobbyists.

According to Norm Ornstein: ''What is needed is disclosure here—who is doing the bundling, for whom, and how much. These are simple but critical steps for openness in the lobbying and money relationship. The public deserves to know—and this amendment gives them that opportunity.''

And in Professor Susman's words: ''Full disclosure of these activities, including the 'bundling' of campaign contributions for a candidate, will not burden or inhibit lobbyists. Lobbyists are proud of the role that we play in helping to finance federal campaigns, and we will be just as effective if the public knows about that role as well. Senator OBAMA's amendment is a reasonable way to keep these activities out in the open.''

Under the amendment that Senator FEINGOLD and I are offering, contributions are considered to be collected by a lobbyist if they are received by the lobbyist and forwarded to the campaign. Contributions are considered to be arranged by a lobbyist if there is an arrangement or understanding between the lobbyist and a campaign that the lobbyist will receive some kind of credit or recognition for having raised the money.

In discussing this proposal that I am offering, a Washington Post editorial this week said: ''No single change would add more to public understanding of how money really operates in Washington.''

This is an important addition to the bill we are considering, and I thank my colleagues for accepting it.

AMENDMENTS NOS. 9, 98, 51, 31, 33, 77, 41, 57, AND 39, AS MODIFIED, EN BLOC

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the following amendments be considered en bloc and agreed to en bloc, with the motions to reconsider laid on the table, and that the action thereupon appear separately in the RECORD. The amendments are: Vitter amendment No. 9; Ensign-Demint amendment No. 98; Coburn amendment No. 51; Feingold amendment No. 31; Feingold amendment No. 33; Durbin amendment No. 77; Obama amendment No. 41; Sanders amendment No. 57; and Coleman-Cardin amendment No. 39, as modified.

I believe this has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 9, 51, 31, 33, 41, and 57) were agreed to.

The amendment (No. 39), as modified, was agreed to, as follows:

At the appropriate place, insert the following:

SEC. ___. CONGRESSIONAL TRAVEL PUBLIC WEBSITE.

(a) IN GENERAL.—Not later than January 1, 2008, the Secretary of the Senate and the Clerk of the House of Representatives shall each establish a publicly available website without fee or without access charge, that contains information on all officially related congressional travel that is subject to disclosure under the gift rules of the Senate and the House of Representatives, respectively, that includes—

(1) a search engine;

(2) uniform categorization by Member, dates of travel, and any other common categories associated with congressional travel; and

(3) all forms filed in the Senate and the House of Representatives relating to officially-related travel referred to in paragraph (2), including the ''Disclosure of Member or Officer's Reimbursed Travel Expenses'' form in the Senate.

(b) EXTENSION AUTHORITY.—If the Secretary of the Senate or the Clerk of the House of Representatives is unable to meet the deadline established under subsection (a), the Committee on Rules and Administration of the Senate or the Committee on Rules of the House of Representatives may grant an extension of such date for the Secretary of the Senate or the Clerk of the House of Representatives, respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

AMENDMENTS NOS. 98 AND 77 TO AMENDMENT NO. 3, EN BLOC

The PRESIDING OFFICER. The clerk will report amendments Nos. 98 and 77.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. MCCAIN, and Mr. DEMINT, proposes an amendment numbered 98 to amendment No. 3.

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 77 to amendment No. 3.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 98 and 77) were agreed to, as follows:

AMENDMENT NO. 98

(Purpose: To provide for better transparency and enhanced Congressional oversight of spending by clarifying the treatment of matter not committed to the conferees by either House)

Strike page 3, line 9 through page 4, line 12 and insert the following:

''(a) IN GENERAL.—A point of order may be made by any Senator against any item contained in a conference report that includes or consists of any matter not committed to the conferees by either House.

(1) For the purpose of this section ''matter not committed to the conferees by either House'' shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

(2) For the purpose of Rule XXVIII of the Standing Rules of the Senate ''matter not committed'' shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

The point of order may be made and disposed of separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order raised against an item in a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be stricken;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken (any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report shall be made).

AMENDMENT NO. 77

(Purpose: To require that amendments and instructions accompanying a motion to recommit be copied and provided by the Senator offering them to the desks of the Majority Leader and the Minority Leader before being debated)

At the appropriate place, insert the following:

SEC. . AMENDMENTS AND MOTIONS TO RECOMMIT.

Paragraph 1 of Rule XV of the Standing Rules of the Senate is amended to read as follows:

''1. (a) An amendment and any instruction accompanying a motion to recommit shall be reduced to writing and read and identical copies shall be provided by the Senator offering the amendment or instruction to the desks of the Majority Leader and the Minority Leader before being debated.

''(b) A motion shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before being debated.''.

AMENDMENT NO. 20

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, utilizing a moment in opposition to the amendment of my friend from Utah, Mr. BENNETT, if the section on grassroots lobbying in the bill were as Senator BENNETT described it and as other groups on the outside have described it, I would oppose it.

This provision was in the overall lobbying bill that passed the Senate 90 to 8 last year. It is a natural extension of what the entire bill is doing, which is asking for disclosure from professional lobbying.

Billions of dollars are spent on so-called grassroots lobbying. It is totally legal, but let's get it out into the sunshine. The individual groups writing to Members to lobby us do not have to disclose anything. This only requires disclosure if a group retains a professional lobbyist and only if they pay that lobbyist more than $25,000 a quarter.

This is not amateur citizen lobbying. This is to find out who is getting how much money to influence us. It is not, in any sense, a limitation on the revered first amendment right to petition Congress for a redress of grievances. It is an attempt for disclosure consistent with the entire bill. So I ask my colleagues respectfully to leave this critical provision in this progressive reform bill.

I thank the Chair, and I yield the floor.

Ms. COLLINS. Mr. President, I rise to speak in favor of the amendment offered by Senator BENNETT. This is a very rare instance where I disagree with my colleague and good friend from Connecticut. I simply don't want to discourage any effort to increase citizen participation in Government. Too many citizens are convinced that their voices don't count. They become apathetic about their Government. They become convinced they cannot influence our positions. I think activity that encourages citizens to contact us, to participate in the process, should be encouraged, not discouraged, and I believe the language in the bill could well discourage citizen contact with Members of Congress. So I urge my colleagues to support the amendment offered by the Senator from Utah.

Thank you, Mr. President.

AMENDMENT NO. 99

Mrs. FEINSTEIN. Mr. President, I send a manager's package to the desk. It combines a number of technical corrections requested by the Parliamentarian, the Secretary of the Senate, and the Indian Affairs Committee. It is concurred in by both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. BENNETT, proposes an amendment numbered 99.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 99

(Purpose: to make technical amendments)

On page 4, strike lines 16 through 19.

On page 13, lines 1 and 2, strike ''the Select Committee on Ethics and''.

On page 15, strike beginning with line 22 through page 16, line 21, and insert the following:

(a) IN GENERAL.—Section 207(j)(1) of title 18, United States Code, is amended, by—

(1) striking ''The restrictions'' and inserting the following:

''(A) IN GENERAL.—The restrictions''; and

(2) adding at the end the following:

''(B) INDIAN TRIBES.—The restrictions contained in this section shall not apply to acts done pursuant to section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i).''.

(b) CONFORMING AMENDMENT.—Section 104(j) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i(j)) is amended by striking ''and former officers and employees of the United States employed by Indian tribes may act as agents or attorneys for or'' and inserting ''or former officers and employees of the United States who are carrying out official duties as employees or as elected or appointed officials of an Indian tribe may communicate with and''.

On page 24, strike lines 11 through 20 and insert the following:

(A) by striking the first sentence and inserting the following: ''Not later than 20 days after the end of the quarterly period beginning on the 1st day of January, April, July, and October of each year, or on the first business day after the 20th day if that day is not a business day, in which a registrant is registered with the Secretary of the Senate and the Clerk of the House of Representatives, a registrant shall file a report or reports, as applicable, on its lobbying activities during such quarterly period.''; and

On page 27, strike line 12 through ''day,'' on line 15 and insert ''Not later than 20 days after the end of the end of the quarterly period beginning on the 1st day of January, April, July, and October of each year, or on the first business day after the 20th day if that day is not a business day,''.

On page 46, lines 12 and 13, strike ''over sight and enforcement'' and insert ''administration''.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 99) was agreed to.

VOTE ON AMENDMENT NO. 20

The PRESIDING OFFICER. The question is on agreeing to the Bennett amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—55

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Baucus	Dorgan	Nelson (NE)
Bayh	Ensign	Roberts
Bennett	Enzi	Salazar
Bond	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Gregg	Smith
Chambliss	Hagel	Snowe
Coburn	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Isakson	Thomas
Conrad	Kyl	Thune
Corker	Landrieu	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NAYS—43

Akaka	Harkin	Nelson (FL)
Biden	Inouye	Obama
Bingaman	Kennedy	Pryor
Boxer	Kerry	Reed
Brown	Klobuchar	Reid
Byrd	Kohl	Rockefeller
Cantwell	Lautenberg	Sanders
Cardin	Leahy	Schumer
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Clinton	Lincoln	Webb
Dodd	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Mikulski	
Feinstein	Murray	

NOT VOTING—2

Brownback	Johnson

The amendment (No. 20) was agreed to.

The PRESIDING OFFICER. The pending amendment is the Lieberman-Collins amendment.

The Senator from California.

AMENDMENT NO. 30

Mrs. FEINSTEIN. Mr. President, there have been a variety of proposals for what has been called an Office of Public Integrity. The Senate voted 67 to 30 against one such proposal last year. Last time, Senators JOHNSON and VOINOVICH, the chairs of the Ethics Committee, stood in opposition. This time, the new chairs of the Ethics Committee, Senators BOXER and CORNYN, stand in opposition.

I recognize the strong interest in this issue, especially by Senators

LIEBERMAN, COLLINS, OBAMA, FEINGOLD, MCCAIN, and others. I have spoken with Senator OBAMA about it. I have assured him that we would hold a hearing in the Rules Committee and that we would take a look at this proposal and what might or might not be done.

I will vote against this amendment, and I will see that the Rules Committee and the Homeland Security and Governmental Affairs Committee hold these hearings. They will focus on these proposals and ways of strengthening ethics enforcement in the Senate.

Let me say this now. I do believe we need to take great care in how we do this. Yes, we need to reassure the public that those who run afoul of the Senate rules will be held accountable. But we must make sure this does not simply become a new tool used by political opponents who would seek to manipulate the political process by filing false claims. You can be sure that the minute a claim becomes public, without any verification as to its veracity, and is released to the public, that claim will be a 30-second spot in someone's campaign. That is not what we are about.

We have to also ensure that we do not create an office—with a special prosecutor bound and determined to justify his or her existence by creating an atmosphere of ongoing investigation—that will cost taxpayers millions of dollars. The Constitution provides:

Each House of Congress may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

Our Founders knew the importance of this and placed it in article I.

The challenge we face right now is how to do it right and ensure that the tough ethics rules we are putting in place will be vigorously overseen and enforced.

I urge a ''no'' vote.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise in support of the amendment to create an Office of Public Integrity.

This underlying bill is a very good one. It will help to restore public confidence in the integrity of our decisions. But we leave the job undone if we do not create an Office of Public Integrity. I thank the leaders on both sides of the aisle for allowing the Senate to have a vote on this important issue.

The problem is that the current system is inherently conflicted. We are our own advisers, we are our own investigators, we are our own prosecutors, we are our own judges, and we are our own jurors. This amendment would take only the investigative part of the process and invest it in an independent, impartial Office of Public Integrity that would help restore the public's confidence in the integrity of our ethics system.

I yield the remainder of the time to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, there is not much to add to my colleague from Maine. I thank her for her statement.

Basically, we have a very strong reform of the rules by which we govern our ethics and that of those who lobby before us. What is missing is an equal reform of the process which would do that.

Nothing in this amendment alters the superior role of the Senate Ethics Committee pursuant to the Constitution to make final decisions on claims before it. This amendment simply sets up an independent investigative office. Incidentally, it is merely responding to what my friend from California, Senator FEINSTEIN, said. There is actually more protection against abuse of this process with frivolous complaints than there is in the current system.

I have a feeling this will not pass tonight, but our committee is going to take it up and hopefully report out a bill independently later this session.

I thank the Chair, and I yield the floor.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 71, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—27

Bayh	Grassley	McCaskill
Biden	Kerry	Menendez
Bingaman	Klobuchar	Nelson (FL)
Cantwell	Kohl	Obama
Carper	Landrieu	Reed
Casey	Lautenberg	Snowe
Collins	Levin	Stabenow
Feingold	Lieberman	Whitehouse
Graham	McCain	Wyden

NAYS—71

Akaka	DeMint	Lugar
Alexander	Dodd	Martinez
Allard	Dole	McConnell
Baucus	Domenici	Mikulski
Bennett	Dorgan	Murkowski
Bond	Durbin	Murray
Boxer	Ensign	Nelson (NE)
Brown	Enzi	Pryor
Bunning	Feinstein	Reid
Burr	Gregg	Roberts
Byrd	Hagel	Rockefeller
Cardin	Harkin	Salazar
Chambliss	Hatch	Sanders
Clinton	Hutchison	Schumer
Coburn	Inhofe	Sessions
Cochran	Inouye	Shelby
Coleman	Isakson	Smith
Conrad	Kennedy	Specter
Corker	Kyl	Stevens
Cornyn	Leahy	Sununu
Craig	Lincoln	Tester
Crapo	Lott	Thomas
Thune	Vitter	Warner
	Voinovich	Webb

NOT VOTING—2

Brownback Johnson

The amendment (No. 30) was rejected.

The PRESIDING OFFICER. The substitute amendment, as amended, is agreed to.

The amendment (No. 3), as amended, was agreed to.

Mr. CARDIN. Mr. President, I have been privileged to serve as a legislator—first in the Maryland House of Delegates, then in the U.S. House of Representatives, and now in the Senate. I appreciate the trust that the people of Maryland placed in me. And I appreciate how important it is that we adhere to the strictest ethical standards. The American people need to believe their Government is on the up and up.

I served on the House Committee on Standards of Official Conduct from 1991 to 1997. I served as the ranking member of the adjudicative subcommittee that investigated and ultimately recommended sanctions against former House Speaker Newt Gingrich. In 1997, the House leadership appointed me to serve as the cochairman of the House Ethics Reform Task Force, with my colleague Bob Livingston from Louisiana. Our bipartisan task force came up with a comprehensive set of reforms to overhaul the ethics process. We created a bipartisan package to change House and committee rules. This was the last bipartisan effort in the House to fix ethics procedures. Unfortunately, the ethics process in the House broke down after that.

Here in the Senate, there has been more bipartisan cooperation when it comes to ethics reform. Last year, the Senate voted 90 to 8 to approve a reform bill. And we are getting off to a good start this year, with both the Democratic leader and the Republican leader co-sponsoring both S. 1 and the substitute amendment. Members on both sides of the aisle have been given ample opportunity to offer amendments and have them considered.

As amended, S. 1 represents a significant change in the way elected officials, senior staff, and lobbyists would do business—change the American people are demanding.

When it comes to how we treat ourselves, this legislation revokes the pensions of Members convicted of bribing public officials and witnesses, perjury, and other crimes. S. 1 bans gifts and meals from lobbyists. It slows down the revolving door by extending lobbying bans for former Members and staff. It eliminates floor privileges for former Members who become lobbyists. And it stops partisan attempts, such as the K Street Project to influence private-sector hiring. The bill makes ethics training mandatory for Members and staff.

When it comes to making how Congress works more transparent, this legislation shines a spotlight on earmarks, targeted tax breaks, and tariff reduction bills, to make it clear who is

offering them, and on whose behalf. S. 1 ensures that the minority will get to participate in conference committees, and that conference reports can't be changed after they're signed by a majority of the conferees. The bill requires that conference reports have to be posted on the Internet 48 hours prior to consideration so that Members of Congress, staff, and the public can find out what's in them.

When it comes to how lobbyists are to act, this legislation puts an end to the lavish parties they throw in our honor at the national conventions. S. 1 quadruples the penalty for failure to comply with the requirements of the Lobbying Disclosure Act of 1995. It requires lobbyists to file quarterly reports instead of semi-annually. And it directs the Secretary of the Senate and the Clerk of the House of Representatives to maintain on the Internet a publicly available database of lobbying disclosure information.

I am pleased to report that the bill contains an amendment that Senator COLEMAN from Minnesota and I offered to require the Secretary of the Senate and the Clerk of the House of Representatives to establish a website freely available to the public that will contain easy-to-understand information on all officially related congressional travel subject to disclosure under the gift rules.

During the debate on S. 1, we have heard over and over again former Supreme Court Justice Louis Brandeis' famous dictum, ''Sunlight is said to be the best of disinfectants,'' because it is so true. That is the direction we are moving in by passing this bill. That is what the American people want us to do, and that is what we need to do to regain their trust.

Mrs. CLINTON. Mr. President, as allegations of ethical abuses swirl around their government, the American people have understandably lost confidence in the ability of their elected representatives to lead with integrity. Their confidence has dwindled as the undue influence of lobbyists and special interests has permeated their government. They have lost faith not only in their elected leaders, but also in the institutions that stand as the very pillars of our representative democracy. With their trust waning, Americans spoke at the ballot box last November, admonishing their elected leaders and declaring that they would no longer tolerate the exploitation of their government by those who wield excessive influence.

For this reason, I was gratified to see the House of Representatives move so quickly on ethics and lobby reform when the 110th Congress convened, and I was pleased when Majority Leader REID placed ethics and lobby reform at the top of the Senate agenda. Both the Legislative Transparency and Accountability Act of 2007 and the Lobbying Transparency and Accountability Act of 2007 enact long overdue ethics and lobbying reforms that will hold our elected officials to the highest possible standards.

If we are going to restore the American public's trust in their government, any reform we enact must squarely confront the undue influence that special interests and lobbyists exert on the legislative process. It must strengthen the rules that govern lobbying and close the revolving door between the ''K Street'' lobby firms and the Capitol. It must shine a light on what has until now been a legislative process corrupted by backroom promises and deals struck in the dead of night. It must promulgate new rules that curb wasteful spending by creating greater transparency in the earmark process.

Earning back the confidence and trust of the American people will require greater transparency and stronger laws. The American public deserves to be certain that their elected officials are not being swayed by lavish gifts offered as quid pro quo for promoting special agendas. To that end, gifts from registered lobbyists have no place in our legislative process. For that reason, I support the sweeping ban on lobbyist-paid gifts in the Senate bill. This ban includes not just meals but also gifts of travel and lodging, areas that have been the subject of notorious abuse.

Our commitment to a new era of openness must go hand in hand with a similar commitment on the part of lobbyists. We must demand more disclosure from lobbyists about their practices and increase the penalties for their failure to disclose their activities. To be clear, our Constitution protects the right of Americans to petition their government. However, what it does not do is protect their ability to hire lobbyists to buy influence by showering elected officials with expensive gifts and vacations.

Reining in wasteful spending must also be a part of any ethical reform we enact. Specifically, we must bring reform and accountability to the process of earmarking. Although the term ''earmark'' has taken on a negative connotation, the designation of funds for individual projects or programs is not in and of itself devious. The practice of earmarking permits essential public projects that would otherwise go unfunded and ignored to receive critical funds that can sustain their important community work. However, the process by which earmarks are currently distributed is susceptible to corruption and abuse, and that must be corrected by injecting both accountability and transparency into the process.

In order to promote accountability, the Senate bill requires that the legislator sponsoring the earmark identify him or herself and provide a description explaining the ''government purpose'' served by the sponsored project. Additionally, I believe we can improve accountability by mandating publication of the earmark for a minimum period of time prior to any vote on the underlying measure, ensuring that both other elected officials and the general public have the opportunity to scrutinize the sponsored outlay. Taking these common sense steps would ensure that legislators are made to answer for the spending they sponsor.

The American people demand a more open and honest government, one that strives to put their concerns ahead of those of special interest, one that endeavors to hold its elected officials accountable to the electorate, and one that inspires the confidence of its people. In order to achieve these goals, we must remove any semblance of impropriety. The reforms contained in both the Legislative Transparency and Accountability Act of 2007 and the Lobbying Transparency and Accountability Act of 2007 enact much-needed and long-awaited reforms that move us toward those goals.

Ms. MIKULSKI. Mr. President, I rise today as a proud cosponsor to this Senate ethics reform legislation. The American people sent a clear message in the last election. No more scandals. No more bribes. No more dirty politics. They wanted real ethics reform. The American people want to know that Congress is working in their interest—not for special interests. The American people deserve a government which is honest and open. They want a government which will fight for their values not for corporate values. Democrats have made it our top priority to clean up Washington and clean up politics.

What does this bill do? This bill bans all gifts and travel from lobbyists. It closes the revolving door by extending the lobbying ban for former Members of Congress from one to two years. It improves lobbying disclosure requirements and brings transparency to the Senate. Finally, it requires that all Senators and their staff attend ethics training.

The American people wanted to clean up Washington. They wanted real ethics reform. They wanted to know that lawmakers are fighting for the people they represent—not the special interest lobbyists. This bill holds lawmakers and lobbyists accountable by creating real penalties for those who break the law—by punishing them with jail time not just fines. This bill sets the tone for this Congress—dirty politics will not be tolerated.

The American people demanded change in the last election. They wanted a government they could trust. They wanted a government that would protect everyday, hardworking Americans. This bill is a step in the right direction. We are listening to what American people are telling us. We here in the U.S. Senate are taking their concerns seriously. We are making changes in Washington.

The PRESIDING OFFICER (Mrs. MCCASKILL). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The majority leader.

Mr. REID. Madam President, for the information of all Senators, we will have a vote Tuesday morning—well, at least by noon Tuesday. No votes Friday or Monday, but we will vote Tuesday at noon or thereabouts.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—96

Akaka	Dorgan	Menendez
Alexander	Durbin	Mikulski
Allard	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Graham	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Bunning	Hutchison	Rockefeller
Burr	Inhofe	Salazar
Byrd	Inouye	Sanders
Cantwell	Isakson	Schumer
Cardin	Kennedy	Sessions
Carper	Kerry	Shelby
Casey	Klobuchar	Smith
Chambliss	Kohl	Snowe
Clinton	Kyl	Specter
Cochran	Landrieu	Stabenow
Coleman	Lautenberg	Stevens
Collins	Leahy	Sununu
Conrad	Levin	Tester
Corker	Lieberman	Thomas
Cornyn	Lincoln	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner
Dodd	McCain	Webb
Dole	McCaskill	Whitehouse
Domenici	McConnell	Wyden

NAYS—2

Coburn	Hatch

NOT VOTING—2

Brownback	Johnson

The bill (S. 1), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. BENNETT. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I had asked for this time to spend a few minutes talking about what has happened in the last few weeks. One of the things that is going on in our country is that we have a little bit of a crisis of confidence in our legislative bodies. Some of it is well deserved.

We have had a bill on the floor under the guise of ethics reform. The bill is a statute. It is not a rule. It is going to become law. But I think the American people should be on guard. I was one of two people who voted against this bill and for some very good reasons.

What the American people would like to see is transparency. They would like to see clarity. They would like to see sunshine. Some of the amendments to this bill made it much better; there is no question about that. But some of the things that happened along the way did not allow the American people to really know what is going on in terms of what needs to change. A lot of the amendments tonight were accepted only on the basis that they would preclude debate. Now it is Thursday night. The Senate is not in session tomorrow. And the question people have to ask is, why didn't we debate those amendments? Why didn't we want to debate those amendments? The reason we didn't want to debate those amendments is because they are going to be discarded as soon as we get to conference.

Let me talk about one of them because I believe it is important. We have had hundreds of stories over the last 2 years of Members of Congress who have used the earmark process to enhance the well-being of either members of their office staff's families, personal family members, and even in the House a couple of occasions where they helped themselves. I am thinking particularly about a $1.2 million road that was built for properties owned by the Member of Congress. That fact is, that should have been debated. The American people need to know what the problems are, and there needs to be sunshine. There needs to be transparency about what we do.

The question the American people ought to ask is: What is going to happen when this bill goes to conference and what is going to come out? And is all the rhetoric we heard on the floor truly going to be reflected in an ethics bill that will change behavior?

A lot of effort has been concentrated on lobbyists. Lobbyists aren't the problem. Members of Congress are the problem. And transparency solves that problem. So we are not going to have transparency anymore. We are going to say you can't take a meal from somebody, but you certainly can deliver on a couple-million-dollar earmark. And we are going to create a situation where we say we are going to expose it, but you shouldn't count on that happening until the final bill comes.

My faith and my hope is that we put everything we have done away and don't do any of the things that have been accepted by the Senate tonight because of fear of political consequences, but that we do what the American people want, and that is to be transparent in both our actions and our deeds. The way to clean up ethical problems in Congress is for the Members to be transparent about what they do. So if this bill were to come back and we pass it just as it is, we are going to go through all these hoops that will have been created, and we are going to make sure people don't come to the Senate to serve. We are going to have a ''gotcha'' system. That is what we just passed. Good, honorable people of integrity are going to make an innocent mistake, and they are going to be gotten. I am not talking about the things that were intentionally done that we have seen over the past 4 to 6 years from both parties. I am talking about good, honest people making an innocent mistake, and it is going to ruin them. Consequently, people are not going to come here. Only those who are shielded and armored, who are careerists and have enough money that no matter what happens, they can defend themselves with the trial lawyers they are going to need to defend themselves after we pass all these rules that are going to come.

I know this sounds a bit negative now that we have passed supposedly an ethics reform bill. But my warning to the American people and to this body is, we should measure that when we see the final product. And we should measure the final product against Senator DEMINT's amendment for true transparency on earmarks, my amendment on true lack of ethical bias in terms of monetary gain for staff members' families or Members' families in terms of earmarks. My faith will be renewed if, in fact, we come out with a great ethics bill. I wait and remain to be convinced that that will be the case.

The final point I want to make is process. Why did we not want to debate in front of the American people the idea that it is unethical for somebody to gain monetarily, directly or indirectly, staff member or staff member's family, Member's family or Member, from an earmark? Why did we not want to debate that? That is a question the press ought to be asking. That is a question we all ought to be asking, as the conference comes back.

The way we solve the problems with ethics in the Senate is through complete and total transparency about what we do. And if we are not ashamed of what we are doing, we should not be ashamed of putting up what we are doing and how we are doing it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE RULES OF PROCEDURE

Mr. BAUCUS. Madam President, pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I submit for publication in the CONGRESSIONAL RECORD the rules of the Committee on Finance for the 110th Congress, adopted by the committee on January 17, 2007. I ask unanimous consent that the rules be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

(Adopted January 17, 2007)

Rule 1. *Regular Meeting Days*.—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings*.—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman after consultation with the ranking minority member. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer*.—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums*.—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations*.—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling*.—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions*.—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote*.—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes*.—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas*.—Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee with the agreement of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Nominations*.—In considering a nomination, the Committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

Rule 12. *Open Committee Hearings*.—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. *Announcement of Hearings*.—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. *Witnesses at Hearings*.—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. *Audiences*.—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. *Broadcasting of Hearings*.—

(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 17. *Subcommittees*.—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. The ranking minority member shall recommend to the chairman appointment of minority members to the subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred

to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as ''uncorrected,'' shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 19. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP RULES OF PROCEDURE

Mr. KERRY. Madam President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the Committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. Today, January 18, 2007, the Committee on Small Business and Entrepreneurship held a business meeting during which the members of the committee unanimously adopted rules to govern the procedures of the committee. Consistent with Standing Rule XXVI, I am submitting for printing in the CONGRESSIONAL RECORD a copy of the Rules of the Senate Committee on Small Business and Entrepreneurship for the 110th Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES FOR THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP—110TH CONGRESS

1. GENERAL

All applicable provisions of the Standing Rules of the Senate, the Senate Resolutions, and the Legislative Reorganization Acts of 1946 and of 1970 (as amended), shall govern the Committee.

2. MEETINGS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chairman. All other meetings may be called by the Chairman as he or she deems necessary, on 5 business days notice where practicable. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefore, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, such member of the Committee as the Chairman shall designate shall preside.

(b) It shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless thirty written copies of such amendment have been delivered to the Clerk of the Committee at least 2 business days prior to the meeting. This subsection may be waived by agreement of the Chairman and Ranking Member or by a majority vote of the members of the Committee.

3. QUORUMS

(a)(1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term ''routine business'' includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments.

(3) In hearings, whether in public or closed session, a quorum for the asking of testimony, including sworn testimony, shall consist of one Member of the Committee.

(b) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote on the date of the meeting to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

4. NOMINATIONS

In considering a nomination, the Committee shall conduct an investigation or review of the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. In any hearings on the nomination, the nominee shall be called to testify under oath on all matters relating to his or her nomination for office. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis.

5. HEARINGS, SUBPOENAS, AND LEGAL COUNSEL

(a)(1) The Chairman of the Committee may initiate a hearing of the Committee on his or her authority or upon his or her approval of a request by any Member of the Committee. If such request is by the Ranking Member, a decision shall be communicated to the Ranking Member within 7 business days. Written notice of all hearings, including the title, a description of the hearing, and a tentative witness list shall be given at least 5 business days in advance, where practicable, to all Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chairman and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting, but must be in writing.

(b)(1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact.

(2) The Chairman and Ranking Member shall be empowered to call an equal number of witnesses to a Committee hearing. Such number shall exclude any Administration witness unless such witness would be the sole hearing witness, in which case the Ranking Member shall be entitled to invite one witness. The preceding two sentences shall not apply when a witness appears as the nominee. Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chairman or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared

testimony at least two business days in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chairman and the Ranking Minority Member.

(c) Any witness summoned to a public or closed hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(d) Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, and other materials may be issued by the Chairman with the consent of the Ranking Minority Member or by the consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting, but must be in writing. The Chairman may subpoena attendance or production without the consent of the Ranking Minority Member when the Chairman has not received notification from the Ranking Minority Member of disapproval of the subpoena within 72 hours of being notified of the intended subpoena, excluding Saturdays, Sundays, and holidays. Subpoenas shall be issued by the Chairman or by the Member of the Committee designated by him or her. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents, records, and other materials shall identify the papers or materials required to be produced with as much particularity as is practicable.

(e) The Chairman shall rule on any objections or assertions of privilege as to testimony or evidence in response to subpoenas or questions of Committee Members and staff in hearings.

6. CONFIDENTIAL INFORMATION

(a) No confidential testimony taken by, or confidential material presented to, the Committee in executive session, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members. Other confidential material or testimony submitted to the Committee may be disclosed if authorized by the Chairman with the consent of the Ranking Member.

(b) Persons asserting confidentiality of documents or materials submitted to the Committee offices shall clearly designate them as such on their face. Designation of submissions as confidential does not prevent their use in furtherance of Committee business.

7. MEDIA AND BROADCASTING

(a) At the discretion of the Chairman, public meetings of the Committee may be televised, broadcasted, or recorded in whole or in part by a member of the Senate Press Gallery or an employee of the Senate. Any such person wishing to televise, broadcast, or record a Committee meeting must request approval of the Chairman by submitting a written request to the Committee Office by 5 p.m. the day before the meeting. Notice of televised or broadcasted hearings shall be provided to the Ranking Minority Member as soon as practicable.

(b) During public meetings of the Committee, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of Committee members or staff on the dais, or with the orderly process of the meeting.

8. SUBCOMMITTEES

The Committee shall not have standing subcommittees.

9. AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended; provided, however, that not less than a majority of the entire Membership so determined at a regular meeting with due notice, or at a meeting specifically called for that purpose.

10TH ANNIVERSARY OF THE USS ''CHEYENNE''

Mr. ENZI. Madam President, I rise today to honor SSN 773, the USS *Cheyenne*, for her 10 years of service in the U.S. Navy in defense of our freedom.

On July 6, 1992, the keel was laid for the USS *Cheyenne* in Newport News, VA. She was launched on April 16, 1995. On September 13, 1996, Mrs. Ann Simpson sponsored the USS *Cheyenne*. I am pleased to now occupy the seat of Ann's husband, Senator Alan Simpson, in the U.S. Senate.

Since September 11, 2001, the USS *Cheyenne* has been engaged in important missions as part of the global war on terrorism. The USS *Cheyenne* earned the distinction of the first to strike when she was the first ship to launch Tomahawk missiles in Operation Iraqi Freedom under the command of Commander Charles Doty. She would go on to successfully launch her entire complement of Tomahawks, earning a clean sweep for combat actions in the final three months of her nine month deployment. That level of excellence continues today from her homeport in Pearl Harbor, HI.

The USS *Cheyenne* is the last Los Angeles class submarine built and the third ship in our Nation's fleet named in honor of the city home to Wyoming's State capital. The first USS *Cheyenne*, a tugboat, entered service in 1898. The second USS *Cheyenne*, BM 10, was originally the monitor class USS *Wyoming*. In 1909 it was renamed USS *Cheyenne* to make the name available for the battleship BB 32, the new USS *Wyoming*. Fiction writer Tom Clancy further cemented the legend of the USS *Cheyenne* when he made the submarine a central player in a battle for the Spratly Islands in his novel ''SSN.''

Cheyenne, Wyoming's motto is ''Live the Legend.'' The 145 submariners who are aboard the USS *Cheyenne* have adopted the motto ''Ride the Legend.'' The city of Cheyenne has formed a special bond with the crew of her namesake. Each year the outstanding sailors of the USS *Cheyenne* are the guests of the city of Cheyenne for Cheyenne Frontier Days, the world's largest outdoor rodeo, and the ''Daddy of them All''. Many of the sailors have never been out West or been to a rodeo. For a week the submariners enjoy Wyoming hospitality and have a chance to live the legend. It is a small chance for Wyoming and the people of Cheyenne to repay a debt of gratitude to the crew of the USS *Cheyenne*.

Commander Michael Tesar assumed command of the USS *Cheyenne* on June 4, 2006. I wish him well in his new command and thank Commander Richard Testyon Jr. for his time at the helm. Commander Tesar brings extensive experience to the USS *Cheyenne* and will lead SSN 773 well.

The best skippers are complemented by outstanding crew; I would like to honor the crew of the USS *Cheyenne*. They include EM3 Richard Akins, LTJG Andrew Alvarado, MM1 Cory Alvis, STS3 John Andrada, YNSA Alfonso Angel, STS2 Andrew Aubry, STSSA Raynor Barton, STS2 Adam Baugh, LT Brett Bayer, MM3 Gregory Benedict, ET1 Charles Berger, MM3 Tyler Bird, MMC David Blake, MM2 Steven Bolek, EM2 Nicholas Brechtel, MM3 Daniel Breedlove, ET3 Jeremy Brown, MM3 Jeremy Bruner, ENS James Bucklin, SK3 James Burnett, LTJG Rene Cano, LTJG David Ciha, MM2 Shayne Clemens, LTJG Christopher Clevenger, MMFN Clyde Comstock, FTC Jonathan Consford, CSSA James Couch, STSSN Colt Couture, MM1 Falanda Culp, LT Michael Darby, LTJG Drew DeWalt, MM3 Juan Diaz, ET3 Lucas Dunbar, MM1 Jack Durand, MM2 Jon Espinoza, YN1 Gregorio Familia, ET3 Joseph Filbert, ET3 Chad Fogler, STSSN Abraham Freet, MM2 Steven Frey, SKSN Christopher Fuller, ET3 Shane Garrod, MMFN Robert Gauld, LCDR John Gearhart, ET1 Christopher Ghramm, MM3 Warren Givens, FTC Russell Goltry, LT Parrish Guerrero, ET1 John Guthrie, ET3 Cory Hall, ET2 Long Han, MMFN David Harper, STS2 Christopher Heffernan, CSSN Jacob Holder, ET3 Stilling Horton, EM2 Angier Hsu, ETC Barry Hudson, EM3 Benjamin Huelle, CSCS Kenneth Hughley, ETC David Ingalls, ET3 John Ingle, EM3 Nicholas Jessee, MM2 Christopher Johnson, ET2 Robert Johnson, ET3 James Johnson, STSC Alan Jones, MM3 Edward Ketheley, EM1 William Lawrence, FT2 Sean Little, MM3 John Livengood, MM2 Justin Lynn, MM3 Jonathan Mac Dula, STS2 John Marsh, FT2 Xavier Martinez, ET3 Shaun McCarthy, STS2 Ryan McClure, MM3 Brian McEndree, MM2 Jeremy McLean, FT1 Nicholas Messina, SN Kenton Metzler, EM2 John Miranda, MM2 Thomas Mitchell, EM2 Ambrose Montera, EM3 Matthew Nesbitt, MM3 Hung Nguyen, MM3 Erik Nielson, ETSN Matthew Noland, STS2 Matthew Odom, MM3 Chad O'Hagan, ET1 Jonathan Okert, HMC Nathaniel Olipas, ET3 Steven Pack, CS1 Ted Paro, STS3 Brandon Pash, FT2 Donald Peachey, ET3 Errane Pearce, CS3 Wesley Peltier, ET1 Steven Perry, ETCS John Perryman, EM3 Michael Proskine, ET2 David Purser, ETC Raul Quintana, LTJG Eric Rasmussen, SKC Randall Riley, CS1 Harry Robinson, MM1 Alvin Rodriguez, FTC Damean Rogers, MM2 Douglas Ross, FT2 Anthony Rossi, LTJG Nicholas Saflund, ET3 Jacob Saylor, STSSN Charles Scaife, ET3 Derek Scammon, ET2 Kevin Scharkey, LCDR Ian Schillinger, ET2 John Schmidt, MMC Timothy Schreyer, LTJG William Sheridan, MMFR Grant

Shirley, STS3 Levi Shockley, ETCS Gregory Silvey, STS1 Michael Simonds, ET3 Tim Simson, EM1 Jerome Smallwood, YNSN Michael Smith, ET2 Anthony Spartana, MMC John St. Clair, EMC David Stephens, MM3 Kevin Stewart, MMC Gary Strong, MM3 Jesse Swain, EM2 William Tabata, CDR Michael Tesar, MM3 Joshua Tomlinson, LTJG Christopher Topoll, CSSR Joshua Towles, LT Carl Trask, MMFR Justin Trickett, ET2 Eric Trumbull, FT2 Landon RG, MM1 Christian Watson, ET3 Kevin Watson, MM2 Robert Wehrmann, ETC Michael Willison, MM3 Nicholas Wittmann, STS2 Robert Wood, EM2 James Workman, CMDCM Andrew Worshek, and MM3 Charles Wreede.

Again I congratulate the USS *Cheyenne* and her crew on the 10th anniversary of their service and thank them for their sacrifices in defense of our great Nation.

IN HONOR OF RICHARD SHAPIRO

Mr. LIEBERMAN. Madam President, today I honor Richard H. Shapiro, who retired as executive director of the Congressional Management Foundation, CMF, in December after 18 years of service with the foundation and 17 years as its executive director. During those 18 years, Mr. Shapiro has worked tirelessly to help all member and committee offices operate more productively and efficiently.

Mr. Shapiro is a talented business consultant who has adapted many of the best practice methods of the business world to the unique institution that is the congressional office, and taken the time to train thousands of congressional staffers in these methods. In addition, Mr. Shapiro and his staff at CMF have conducted organizational assessments for member, committee and leadership offices. Some years ago, he was kind enough to conduct a structure evaluation for my Senate office, and he made several useful suggestions regarding my office's mail operation, web site and internal communications. My office implemented them all, and both my office and constituents are all better off for it.

He has also helped many new Members of Congress set up both their Washington and district offices, a task that can be very daunting for anyone new to Congress. He has also conducted individual assessments and coaching for senior managers and Members. Under his leadership, the CMF began offering management guidance to congressional officers responsible for managing the House or Senate as a whole. Furthermore, Mr. Shapiro has helped to coordinate bipartisan events for all the Chiefs of Staff, which helps them get to know each other and work together better.

Mr. Shapiro was also a leader in promoting the use of the World Wide Web and other digital forms of communications in Congress. Under his leadership, the CMF pushed for Members of Congress to establish Web sites that constituents could use to e-mail their representatives and get information on Congress. The CMF continues to encourage congressional offices to improve their Web sites by giving out the annual Golden Mouse award to the office with the best and most innovative Web site.

Considering all that CMF has done under Mr. Shapiro's leadership, one is very surprised to find out that CMF has a very small staff and budget. But those who know Mr. Shapiro would tell you that, given his talent and dedication, it is no big surprise that CMF was able to provide so many quality services under his helm.

Madam President, it my sincerest pleasure to thank Richard Shapiro for sharing his talent and dedication with us for so many years. Congress is a better place for it.

ART BUCHWALD—THE MARK TWAIN OF OUR TIME

Mr. KENNEDY. Madam President it is with a heavy heart that I rise to pay tribute to Art Buchwald. Art finally said good-bye to all of us last night. It was far too soon.

Art is survived by his son Joel and his wife Tamara—who he lived with for so many wonderful years—his daughters Jennifer and Connie, his two sisters and five grandchildren. We are fortunate to have had him for so long, and he will be missed very much.

Art was an incredible friend to my wife Vicki and me and to the entire Kennedy family. We all enjoyed Art's company and columns, and President Kennedy was known to read Art's column regularly while he was in the White House.

We enjoyed so many delightful times together. Whether here in Washington or on Martha's Vineyard, Art brought tons of laughter into our lives. We'll continue to remember him and his wife, Ann McGarry Buchwald, as they will now be laid to rest together on the Vineyard.

Art was the Mark Twain of our time. He will forever live on in our hearts and minds for his brilliant wit and observations. For decades there was no better way to start the day than to open the morning paper to Art's column, laugh out loud and learn all over again to take the issues seriously in the world of politics, but not take yourself too seriously.

As Art said, ''Whether it's the best of times or the worst of times, it's the only time we've got.'' The special art of Art Buchwald was to make even the worst of times better. We are fortunate to have had him for so long, and I will miss him very much.

Art was born in 1925 in Mount Vernon, New York, and made his own way in the world becoming a renowned political humorist and highly regarded columnist. In 1982, he received a Pulitzer Prize. Art never stopped working—writing and making us laugh right up until the very end.

Just last November, he published his final book, ''Too Soon To Say Goodbye.'' He even had the foresight to write one final column—published today. Among his final words were these:

I don't know how well I've done while I was here, but I'd like to think that some of my printed works will persevere at least for three years.

In fact, Art, they'll persevere forever.

Vicki and I remember fondly celebrating Art's 80th birthday just over a year ago with The Brady Center to Prevent Gun Violence, together with my sister Eunice and her husband Sargent Shriver. Like every gathering with Art, it was an evening full of joy, humor and passion. Art was a great friend to the Brady Center and an inspiring advocate for sensible gun laws. He was a true leader for the cause and we are closer to our goal of rational gun control today because of him.

Art was also an outspoken and powerful advocate on the importance of mental health care, speaking openly about his own experiences and providing hope to some many others.

When we lost President Kennedy, Art honored him with his column, ''We Weep.'' He wrote:

We weep for our president who died for his country. We weep for his wife and his children, brothers and sisters. We weep for the millions of people who are weeping for him. We weep for Americans that this could happen in our country. We weep for the Europeans and the Africans and the Asians and people in every corner of the globe who saw in him a hope for the future and a chance for mankind.

Today, Art, the world weeps for you.

I ask unanimous consent that Art Buchwald's final column, published today, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(From the International Herald Tribune, Jan. 18, 2007)

MEANWHILE: GOODBYE, MY FRIENDS. WHAT A PLEASURE IT HAS BEEN!

(By Art Buchwald)

Art Buchwald, who began his long career as a humor columnist at this newspaper, asked that this column be published following his death, which came on Wednesday at his home in Washington.

Several of my friends have persuaded me to write this final column, which is something they claim I shouldn't leave without doing.

There comes a time when you start adding up all the pluses and minuses of your life. In my case I'd like to add up all the great tennis games I played and all of the great players I overcame with my now famous ''lob.''

I will always believe that my tennis game was one of the greatest of all time. Even Kay Graham, who couldn't stand being on the other side of the net from me, in the end forgave me.

I can't cover all the subjects I want to in one final column, but I would just like to say what a great pleasure it has been knowing all of you and being a part of your lives.

Each of you has, in your own way, contributed to my life.

Now, to get down to the business at hand, I have had many choices concerning how I

wanted to go. Most of them are very civilized, particularly hospice care. A hospice makes it very easy for you when you decide to go.

What's interesting is that everybody has his or her own opinion as to how you should go out. All my loved ones became very upset because they thought I should brave it out—which meant more dialysis.

But here is the most important thing: This has been my decision. And it's a healthy one.

The person who was the most supportive at the end was my doctor, Mike Newman. Members of my family, while they didn't want me to go, were supportive, too.

But I'm putting it down on paper, so there should be no question the decision was mine.

I chose to spend my final days in a hospice because it sounded like the most painless way to go, and you don't have to take a lot of stuff with you.

For some reason my mind keeps turning to food. I know I have not eaten all the éclairs I always wanted. In recent months, I have found it hard to go past the Cheesecake Factory without at least having a profiterole and a banana split.

I know it's a rather silly thing at this stage of the game to spend so much time on food. But then again, as life went on and there were fewer and fewer things I could eat, I am now punishing myself for having passed up so many good things earlier in the trip.

I think of a song lyric, ''What's it all about, Alfie?'' I don't know how well I've done while I was here, but I'd like to think some of my printed works will persevere—at least for three years.

I know it's very egocentric to believe that someone is put on earth for a reason. In my case, I like to think I was. And after this column appears in the paper following my passing, I would like to think it will either wind up on a cereal box top or be repeated every Thanksgiving Day.

So, ''What's it all about, Alfie?'' is my way of saying goodbye.

DEATHS IN IRAQ

Mr. KENNEDY. Madam President, yesterday morning, January 17, a convoy carrying a staff member of the National Democratic Institute and members of her security team was ambushed in Baghdad.

Andrea Parhamovich, an American citizens, was killed. Three other NDI employees, citizens from Croatia, Hungary, and Iraq, also lost their lives in the attack.

Since June 2003, the National Democratic Institute has been working with Iraqi citizens, outside the Green Zone and at great risk, to help build the foundations on which a true democracy depends. I did not know Ms. Parhamovich, whose life was taken so tragically yesterday. But all of us recognize the ideals which inspired her to undertake such a dangerous mission for her country and the people of Iraq.

I offer my deepest respect and appreciation to her last true measure of devotion to democratic ideals. To her family, and the families of those who were also killed, I offer my deepest condolences.

ADDITIONAL STATEMENTS

TRIBUTE TO LAMESA MARKS-JOHNS

● Mr. BUNNING. Madam President, today I pay tribute to LaMesa Marks-Johns of Louisville, KY, for being recognized as one of America's top educators in the 2006 Milken Family Foundation National Educator Awards.

The annual Milken Family Foundation National Educator Award was established in 1985, and recipients consist of a network of teachers, principals, and specialists who serve as experts for policymakers seeking to improve the quality of teachers and public education. Award recipients assist in developing comprehensive strategies and policies to ensure that every child receives the highest quality educational experience possible.

Ms. Marks-Johns, a teacher at Shacklette Elementary School, has been recognized by the Milken Family Foundation for her continuing efforts to provide educational experiences in the classroom. She inspires her students to achieve academically and contribute to the community. Ms. Marks-Johns sets an example of leadership for both colleagues and students alike.

I now ask my fellow colleagues to join me in thanking Ms. Marks-Johns for her dedication and commitment to education. In order for our society to continue to advance in the right direction, we must have teachers like LaMesa Marks-Johns in our schools, in our communities, and in our lives. She is Kentucky at its finest.●

RECOGNIZING MR. WILLARD LASSETER

● Mr. CHAMBLISS. Madam President, it is with great pride that today I honor my dear friend and fellow Georgian, Willard Lasseter, who recently completed his 50th year with John Deere's Lasseter Tractor Company, Inc. Willard and I not only share a strong desire for a successful agriculture sector throughout Georgia and the United States, but we also share the same hometown of Moultrie, GA.

Willard began his many years of service to the farmers of Colquitt County in 1945 when he began to work part time for the local John Deere dealership. In 1956, with a little over $14,000 in borrowed money, Willard purchased a 25 percent share of the John Deere dealership and on December 1, 1956, Lasseter Tractor Company, Inc. had its first day of business. By 1959, Willard, along with help from his father, had secured the remaining shares of the John Deere dealership. The success of the business was almost instantaneous as Lasseter Tractor Company became the No. 1 dealer in terms of sales volume for the Atlanta branch of John Deere dealerships by 1960.

Since its first day of business Lasseter Tractor Company, Inc. has been a model dealership for Deere and Company. Lasseter Tractor Company, Inc.'s many accomplishments include being named to the John Deere's Manager Club for 12 consecutive years, being a John Deere Signature Dealer for top performance in the market place for 5 consecutive years, and being a Gold Star dealer for top performance in commercial products in 2005, 2006, and 2007. Lasseter Tractor Company, Inc. has also garnered the top market share in the Atlanta branch of dealerships for 3 consecutive years.

Through the years, Lasseter Tractor Company, Inc. has continued to expand and prosper. In the late 1990's Lasseter Tractor Company, Inc. began construction of a state-of-the-art dealership and service facility that encompasses over 45,000 square feet. The service center itself can accommodate over 20 cotton pickers. This is not only an important feature but it is also a necessary feature because Lasseter Tractor Company, Inc., is among the top dealerships for sales and servicing of cotton pickers.

Today's Lasseter Tractor Company, Inc., spans south Georgia with dealerships in three counties. Not only has the business increased in size but also in the number of generations that are now involved in the business. Lasseter Tractor Company, Inc., now includes Willard's son Tony and grandson Judd, who oversee the day-to-day operations of the business. One philosophy that Lasseter Tractor Company, Inc., has maintained throughout its existence is: ''You must give your customers the best product at the fairest price possible.'' This is a philosophy that has allowed the company to continue to meet and exceed the needs of its customers.

It is hard to imagine what the state of agriculture might be in southwest Georgia if that young high school student, Willard Lasseter, did not step into the John Deere dealership in Moultrie, GA, in 1945 to begin working part time.

I am extremely proud of the milestone that Willard has just met and it is my sincere hope that he continues his success in the agribusiness community for many years to come. I want to thank my colleagues for giving me the opportunity to recognize my dear friend Willard Lasseter.●

HONORING THOMAS WATSON BROWN

● Mr. ISAKSON. Madam President, today I mourn the passing and pay tribute to a wonderful Georgian and a personal friend. Thomas Watson Brown passed away on January 13, 2007, leaving a tremendous void in the hearts of all who knew and loved this extraordinary gentleman.

Although he was a longtime resident of Marietta, GA, Tom was actually born here in our Nation's Capital where he attended Saint Alban's School. He graduated magna cum laude from Princeton with a degree in history and served a stint in the U.S. Army. He graduated from Harvard Law School in 1959 and moved to Atlanta where he practiced law until his death.

Although Tom was not originally from Georgia, his family had deep Georgia roots. His great-grandfather was U.S. Senator Tom Watson, who

was nominated in 1896 for Vice President on the Populist Party ticket with William Jennings Bryan. Brown's grandfather, J.J. Brown, served as Georgia's commissioner of agriculture.

Tom was a character unlike any other. He often described himself as an ''18th-century gentleman'' and held court in his antebellum mansion on Cherokee Street near the Marietta Square arguing politics with a host of different personalities. History was his greatest passion, especially the Civil War era. He had an unmatched intellect and was a respected historian. He preferred his 10,000-volume library to a personal computer.

Tom was also always ready to support education. He was the former chair of the Watson-Brown Foundation, established by his father Walter Brown in 1970 to provide college opportunities for underprivileged boys and girls. Today his son Tad is president of the foundation, which awards more than $1 million annually in merit- and need-based college scholarships to students from the Central Savannah River Area of Georgia and South Carolina. The foundation also gives grants in support of southern colleges and universities. Recipients of these grants include the University of Georgia for a broadcast museum, Georgia College and State University in Milledgeville for its library, and Mercer Press in Macon for publications of numerous books of Southern history and biography.

Tom led numerous business, civic, philanthropic, and scholarly organizations. He served on the boards of the Atlanta Historical Society, the Georgia Historical Society, the Georgia Civil War Commission, the Atlanta Legal Aid Society, and the Georgia Legal History Foundation. He was also an enthusiastic supporter of the Atlanta Press Club and helped fund its debates each election cycle.

Tom was awarded the Martin Luther King, Jr., Center's community service award for peace and justice. Coretta Scott King herself presented him with the award for his substantial contributions to and support of the Legal Aid Society of Atlanta.

This strong-willed and generous man will always be remembered for his keen intellect and his devotion to history and education. He touched the lives of many Georgians, including this Senator, through his efforts on behalf of our community and State.

It was an honor to know Thomas Watson Brown and it is a privilege to pay tribute to his life.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO FOREIGN TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—PM #1

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2007. The most recent notice continuing this emergency was published in the *Federal Register* on January 20, 2006 (71 FR 3407).

The crisis with respect to the grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process and that led to the declaration of a national emergency on January 23, 1995, as expanded on August 20, 1998, has not been resolved. Terrorist groups continue to engage in activities that have the purpose or effect of threatening the Middle East peace process and that are hostile to United States interests in the region. Such actions constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process and to maintain in force the economic sanctions against them to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 18, 2007*.

MESSAGES FROM THE HOUSE

At 12:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 57. An act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands.

H.R. 434. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 31, 2007, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 31. A concurrent resolution honoring the Mare Island Original 21ers for their efforts—to remedy racial discrimination in employment at Mare Island Naval Shipyard.

At 6:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6. An act to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Rules and Administration, and referred as indicated:

S. Res. 32. A resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship; to the Committee on Small Business and Entrepreneurship.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 57. An act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands; to the Committee on Energy and Natural Resources.

H.R. 434. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 31, 2007, and for other purposes; to the Committee on Small Business and Entrepreneurship.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 31. Concurrent resolution honoring the Mare Island Original 21ers for their efforts to remedy racial discrimination in employment at Mare Island Naval Shipyard; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 391. An act to authorize the Secretary of Housing and Urban Development to continue to insure, and to enter into commitments to insure, home equity conversion mortgages under section 255 of the National Housing Act.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 6. An act to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–387. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pine Shoot Beetle; Additions to Quarantined Areas'' (Docket No. APHIS–2006–0117) received on January 17, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–388. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a periodic report relative to the national emergency declared in Executive Order 12947 of January 23, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–389. A communication from the Regulatory Specialist, Legislative and Regulatory Activities Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Management Official Interlocks'' (RIN1557–AD01) received on January 17, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–390. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Look-Thru Rule for Related Controlled Foreign Corporations'' (Notice 2007–9) received on January 17, 2007; to the Committee on Finance.

EC–391. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Investor Control and General Public'' (Rev. Rul. 2007–7) received on January 17, 2007; to the Committee on Finance.

EC–392. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance on Multiple Distribution Issues Under the Pension Protection Act of 2006'' (Notice 2007–7) received on January 17, 2007; to the Committee on Finance.

EC–393. A communication from the Center for Employee and Family Support Policy, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees Health Benefits Program: Discontinuance of Health Plan in an Emergency'' (RIN3206–AK95) received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, without amendment:

S. Res. 32. A resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAPO (for himself, Mrs. LINCOLN, and Ms. SNOWE):

S. 329. A bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services; to the Committee on Finance.

By Mr. ISAKSON:

S. 330. A bill to authorize secure borders and comprehensive immigration reform, and for other purposes; to the Committee on the Judiciary.

By Mr. THUNE (for himself, Mr. SALAZAR, and Mr. HAGEL):

S. 331. A bill to provide grants from moneys collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself, Mr. LIEBERMAN, and Mr. FEINGOLD):

S. 332. A bill to amend the Homeland Security Act of 2002 to clarify the investigative authorities of the privacy officer of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. DOLE (for herself, Mr. BURR, Mr. INOUYE, and Ms. MIKULSKI):

S. 333. A bill to provide for the acknowledgment of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Indian Affairs.

By Mr. WYDEN:

S. 334. A bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away; to the Committee on Finance.

By Mr. DORGAN (for himself, Mrs. MURRAY, Ms. MIKULSKI, Mr. AKAKA, Mr. LEAHY, Mr. LEVIN, Mr. KENNEDY, Ms. CANTWELL, Mr. ROCKEFELLER, Mr. KERRY, Mr. INOUYE, Mr. CARDIN, Mrs. BOXER, Mr. LIEBERMAN, Mr. MENENDEZ, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 335. A bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. VOINOVICH, Mr. LEVIN, Mr. OBAMA, Mr. BAYH, Mr. KOHL, Ms. STABENOW, and Mr. LUGAR):

S. 336. A bill to require the Secretary of the Army to operate and maintain as a system the Chicago Sanitary and Ship Canal dispersal barriers, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SUNUNU:

S. 337. A bill to require the FCC to issue a final order regarding white spaces, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CONRAD (for himself, Mr. HATCH, Mr. WYDEN, Mr. VITTER, Mr. DORGAN, and Mrs. LINCOLN):

S. 338. A bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program; to the Committee on Finance.

By Mr. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, Mr. GRAHAM, Mr. SALAZAR, Mr. SESSIONS, Mr. BINGAMAN, Mr. LUGAR, Mr. OBAMA, Ms. COLLINS, Mr. NELSON of Florida, Mr. AKAKA, Ms. CANTWELL, Mrs. CLINTON, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mrs. LINCOLN, Mr. MENENDEZ, Mr. SCHUMER, and Mr. TESTER):

S. 339. A bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. CRAIG, Mr. KENNEDY, Mr. MARTINEZ, Mrs. BOXER, Mr. VOINOVICH, Mr. LEAHY, Mr. SPECTER, Mrs. CLINTON, Mr. MCCAIN, Mr. OBAMA, Mr. HAGEL, Mr. SCHUMER, Mr. DOMENICI, Mr. KOHL, Mr. SALAZAR, and Mrs. MURRAY):

S. 340. A bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 33. A resolution expressing the sense of the Senate that the United States should expand its relationship with the Republic of Georgia by commencing negotiations to enter into a free trade agreement; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. FEINGOLD):

S. Res. 34. A resolution calling for the strengthening of the efforts of the United States to defeat the Taliban and terrorist networks in Afghanistan; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 41

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 43

At the request of Mr. ENSIGN, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 43, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 46

At the request of Mr. ENSIGN, the name of the Senator from Alabama

(Mr. SESSIONS) was added as a cosponsor of S. 46, a bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include premiums for nongroup high deductible health plan coverage.

S. 122

At the request of Mr. BAUCUS, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 122, a bill to amend the Trade Act of 1974 to extend benefits to service sector workers and firms, enhance certain trade adjustment assistance authorities, and for other purposes.

S. 170

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 170, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 214

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 237

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 237, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 238

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 238, a bill to amend title 18, United States Code, to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes.

S. 267

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 267, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. 269

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 269, a bill to amend the Internal Revenue Code of 1986 to increase and permanently extend the expensing of certain depreciable business assets for small businesses.

S. 284

At the request of Mr. CONRAD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 284, a bill to provide emergency agricultural disaster assistance.

S. CON. RES. 2

At the request of Mr. BIDEN, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mrs. CLINTON), the Senator from Rhode Island (Mr. REED) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Con. Res. 2, a concurrent resolution expressing the bipartisan resolution on Iraq.

S. CON. RES. 3

At the request of Mr. SALAZAR, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

AMENDMENT NO. 20

At the request of Mr. BENNETT, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of amendment No. 20 proposed to S. 1, a bill to provide greater transparency in the legislative process.

AMENDMENT NO. 34

At the request of Mr. FEINGOLD, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of amendment No. 34 proposed to S. 1, a bill to provide greater transparency in the legislative process.

AMENDMENT NO. 39

At the request of Mr. CARDIN, his name was added as a cosponsor of amendment No. 39 proposed to S. 1, a bill to provide greater transparency in the legislative process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ISAKSON:

S. 330. A bill to authorize secure borders and comprehensive immigration reform, and for other purposes; to the Committee on the Judiciary.

Mr. ISAKSON. Mr. President, I am pleased to rise today before the Senate. This is an issue this Senate visited 9 months ago in the month of May. Nine months ago, the Senate tackled what I submit is the most important domestic issue in the United States of America and in every State. That is the issue of legal immigration and illegal immigration.

In that debate of what became known as a comprehensive immigration reform bill, I submitted an amendment that ended up being amendment No. 1. The amendment simply said that before any provision of this act that grants legal status to someone who is in America illegally takes effect, the Secretary of Homeland Security will certify to the Congress that all of the provisions of border security contained in the bill were funded, in place, and operational. It become known as a trigger—and it was a trigger—because the immigration issue is not like when you can never figure what is the chicken, what is the egg, and what came first. There is no way to reform illegal immigration unless you first stop the porous borders we have and the flow of illegal immigrants. But to do only one without the other is a terrible mistake.

The result of last year's debate was the Senate passed a bill without the trigger that granted new legal statuses. Although it provided for the authorization of border security, it did not provide for the guarantee of border security. The House reaction was, we want border security only, and the debate to this day between the House and the Senate has been the Senate is for comprehensive reform and the House is for border security only and never the twain will meet. The twain must meet. It is the No. 1 domestic issue.

I come to the Senate today to introduce a major immigration reform bill that is the bridge from where we are to where we must go. For a moment, I will discuss the provisions of that proposal.

First of all, it contains the trigger. It predicates any reform of immigration that grants legal status to someone here illegally to be noneffective until we have first closed the doors to the south and to the north. It provides for all the security measures the Senate passed last year—and they are 2,500 new port-of-entry inspectors, 14,000 border inspectors, trained and ready to deploy, $454 million for unmanned aerial vehicles to give us the 24/7 eyes in the sky essential to enforcement on our border, authorization and ultimate appropriation for those barriers and those fences and those roads that are necessary for our agents to patrol, 20,000 beds for detention, to end the practice of cash and release.

When I came to the Senate 2 years ago as a Georgian and one who loves the outdoors, I thought ''catch and release'' was a fishing term. I found out it became a border term, where we would catch people, tell them to go home, release them and they would wait for us to leave and come back again.

We must remember the reason we have this problem is we have the greatest Nation on the face of this Earth. We do not find anyone trying to break out of the United States of America. They are all trying to break in and for a very special reason: The promise of hope, opportunity, and jobs. But we must make the right way to come to America be the legal way to come to America, not the ease of crossing our border in the dark of night under some other cover.

Lastly, an integral part of border security is a verifiable program, where

America's employers can be given a verifiable ID by someone who is here legally that verifies they are who they say they are. The biggest growth industry in the United States of America on our southwestern border is forged documents. We have a proliferation today of forged documents, where illegal aliens have legal-looking documents and we have a customs and immigration system that cannot tell an American farmer or an American employer that, in fact, the document they were shown is, in fact, right or wrong. That has to be fixed.

Once those provisions are in, we have a secure border. Interestingly enough, it takes about the same amount of time to put in the barriers, get unmanned aerial vehicles in the air, train the border security and port-of-entry people as it takes to get the verifiable identification system in place. We know both will take about 24 months.

When we have the trigger, it does not protract reform, but it precedes the implementation of what is going to take 24 months to do anyway. And all of a sudden we have a new paradigm in America. Those who want to come here realize the way to come is the legal way, not the illegal way. They learn there are consequences to coming illegally and employers know when they get an ID they can either swipe it on a computer or they can go up on the Internet and code to customs and immigration and find out that person is legal. The paradigm changes, and then the hope and opportunity of reforming legal immigration in this country can become a reality.

I am not an obstructionist to doing it. In fact, if anything needs to be done, we need to reform the legal system because we almost promote, through the rigidity and difficulty of legal immigration, coming here illegally because we are looking the other way on the border. We have a historical precedent.

In 1986, we reformed immigration with the Simpson Act. We granted 3 million people amnesty, said we were going to secure the border and didn't. Today, we have 12 million because we did not secure that border. That can never happen again.

Second, if the border is secure and we give people who are here illegally but are lawfully obeying the laws a chance to come forward, we can identify who is here who is not a problem.

And you, also, leave open, for those who do not come forward whom you must concentrate on, to see to it they are not here for the wrong reasons and they go home. But you can never enforce the system internally before you first close the external opportunity to come through illegal immigration.

Mr. President, in May 1903, Anders Isakson came through Ellis Island because of the potato famine in Scandinavia. In 1916, my father was born to him and his wife, Josephine. My father became a citizen of this country because he was born on our soil. In 1926, my grandfather became a naturalized citizen of the United States of America.

In my home today, framed and hanging on the wall, are his naturalization certificates from 1926, when he raised his right arm and pledged his allegiance to the United States of America. There is no one who has greater respect and greater joy in the promise of this country and the opportunity of immigration. But we must begin restoring the respect for legal immigration and shutting the door on illegal immigration, or else those lines become blurred, and the stress we have on our social service system, civil justice system, public health system, and public education system that is stretched to the limit because of illegal aliens today will increase.

We owe it to the history of our country and the greatness which makes us great to secure our borders, to honor legal immigration, and to move forward with a reform of illegal immigration that matches the economic needs of the United States of America.

I stand on the Senate floor today committed to work with any Member of this Senate for comprehensive reform, as long as its cornerstone in its foundation is that we fix the problem on our borders, have it certified, and have that fix be the foundation for the modernization and reform of our immigration laws.

Mr. President, I thank you for the time and yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Georgia. He has described something that for the last several months I have been calling the Isakson principle. I believe the Isakson principle is the basis for a comprehensive immigration bill that could attract 85 to 90 votes in the Senate and could, in a fairly short period of time, be reconciled with legislation passed by the House of Representatives.

It would be a single piece of legislation that would work in two stages. It would first secure our border; and then, as the Senator from Georgia says, the trigger would come in, and we would get the rest of the job done. And the rest of the job includes defining who can work and who can study in the United States if they come from overseas. The rest of the job also includes helping prospective citizens, of which there are about a million a year today—people who are here legally—to help them learn English, to learn our history, and to learn our democratic traditions so we can be one country.

There is a lot of talk this week about the borders of Iraq. I believe there are some more important borders in this world, at least to us Americans, and they are the borders around our own country. It is more important that we secure our borders at home than it is to secure the borders in Iraq.

Last year, both the Senate and the House of Representatives passed an immigration bill. I voted no on the Senate immigration bill. I opposed the bill because I did not believe it did enough to secure our borders. It had some good proposals for border security, and it had a number of other excellent proposals, but it did not guarantee they would be funded. We all know that border security on paper means nothing. It requires boots on the ground. It requires jeeps on the roads and unmanned aerial vehicles in the air. It requires an employer verification system. And it requires adequate funding.

So I voted no. But I said at the time I was ready to vote for, and wanted to vote for, a comprehensive bill, one that fixed the whole problem. And I suggested then, as did a number of others, that the basis for such a bill was the Isakson principle.

Well, instead of getting a bill passed into law, it was a political year, and some Members of the House of Representatives, including some members of my own party, thought the wiser course was basically to run against the Senate bill that I voted against. Well, we now know how successful that turned out to be. That was not successful because the American people expect us to act like grownups, deal with big issues, and come to a conclusion.

There is no issue upon which we in the Congress have more need to come to a conclusion on than the issue of immigration. It is our responsibility. We cannot kick it to the Governors. We cannot blame the mayor of Nashville. We cannot blame anybody in Iraq. It is our job in the Senate and the House of Representatives.

We should begin to do our job. We should take it up within the next few weeks. We should base our bill on the Isakson principle. And we should not stop our work on the immigration bill until we are finished.

The Isakson principle is the basis for success with immigration because of the so-called trigger. As the Senator from Georgia said, once we put into effect all of the things we need to do to secure the border, the trigger operates, and then we get to all the rest of the issues, some of which are hard to solve. But they are made much easier to solve once we and the American people are assured the border will be secured.

It is outrageous for us in the Senate to preach about the rule of law to the rest of the world and ignore it here at home. The rule of law is one of the most important principles of our country. We should make no apology, not be embarrassed 1 minute for insisting upon it. Every new citizen knows that. They do not come to this country to become an American based upon their color or their ethnic background. They come because to be an American, you believe in a few principles which you must learn if you are going to become a citizen. Foremost among those is the rule of law.

So we start with that. But that is not the only principle new citizens learn. There is the principle of laissez-faire—

in other words, a strong economy. And immigrants help a strong economy, whether they are going to be Nobel Prize winners or whether they are going to be picking fruit in California.

There is the principle of equal opportunity. There is the principle of e pluribus unum, engraved right up there above the Presiding Officer: How do we become one country? We learn our tradition. We learn a common language. We adhere to common principles, instead of color and background. And there is the tradition of the country that we are a nation of immigrants. By our failure to act, we are showing a lack of respect for the rule of law and a lack of respect for our tradition as a nation of immigrants.

It is especially outrageous for us not to act when there is no one to blame but us. We cannot blame Syria for this one. We cannot blame the Iraqi Government. We cannot blame Iran. We cannot blame al-Qaida. It is us. It is our job. So, Mr. President, I am here today to commend the Senator from Georgia. Since last fall, he has had before us the basis for sound, comprehensive immigration legislation—all in one bill; two parts: secure our borders; and once that is done, then all the rest of it. I believe that would attract 85 or 90 votes. And I would suggest, respectfully, to my friend, the Democratic leader, and my friend, the Republican leader, that if we are looking for things to do that are important, that the American people expect us to act on, that we have already demonstrated we can work on together, that within a few weeks we take up the matter of immigration, we base it on the Isakson principle, and we do not stop until we finish the job.

By Mr. THUNE (for himself, Mr. SALAZAR, and Mr. HAGEL):

S. 331. A bill to provide grants from moneys collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels; to the Committee on Energy and Natural Resources.

Mr. THUNE. Mr. President, I rise today along with my colleague from Colorado, Senator SALAZAR, regarding S. 331, the Alternative Energy Refueling Systems Act of 2007. The bill is a very straightforward measure that seeks to increase the number of alternative refueling stations across our country, something that I hope the full Senate will support later this year.

Today, there are over 9 million alternative fuel automobiles on the road in America. However, while automakers have pledged to produce an increasing number of these vehicles, there is a serious shortfall in the number of gas stations to support these vehicles. For instance, while there are more than 6 million flex-fuel vehicles on the road today which can run on E–85 or gasoline, less than 1 percent of all gas stations in this country offer E–85 fuel. Clearly, more must be done to increase the availability of alternative fuels at the retail level.

The Alternative Energy Refueling Systems Act would authorize the Department of Energy, through the existing Clean Cities Program, to provide grants to gas station owners who will install alternative refueling systems. These grants would greatly assist in expanding the availability of alternative fuels such as E–85, which is a mix of 15 percent gasoline and 85 percent ethanol, or biodiesel, natural gas, compressed natural gas, hydrogen, or liquefied petroleum gas.

Under this legislation, gas station owners who wish to install a new alternative fuel tank would be reimbursed for up to 30 percent of the cost, not exceeding $30,000, of expenses related to the purchase and installation of a new alternative refueling system. Keep in mind that subject to an annual appropriations, funding for these grants would come from a portion of the penalties that are collected annually from auto manufacturers who violate the Corporate Average Fuel Economy, or CAFE standards, most of which are foreign automakers.

I have to say the cost to install a pump like this generally runs somewhere from $30,000 to $40,000 to about $200,000, depending on where you are in the country. So obviously, it is a big investment for a lot of these filling station owners. But the fact is, they need to have an incentive and some assistance to make sure we are closing the gap that exists in this country between the production of renewable energy—a lot of ethanol production is going on in the country. In my State alone we have 11 plants currently operating, 5 more under construction, and we will be, by 2008, at 1 billion gallons annually of ethanol in South Dakota alone. So when you add to that the ethanol that is produced in other areas of the Midwest, we have a lot of production out there, and I think we have a big market growing. We have a renewable fuels standard that requires that we use 7.5 billion gallons annually by the year 2012, which, frankly, I think we will eclipse way before that time. Because at the current rate of production, we are going to blow by that in a very short time.

But that being said, there is a requirement out there that a market develop for this. We have a lot of consumers around the country who would like to have access to renewable energy who believe for a lot of reasons, as I do, that it makes sense to lessen our dependence upon foreign sources of energy, to become more energy secure. It cleans up the environment and, obviously, in my part of the country, it is very good for American agriculture. But what we are missing in that distribution system is the retail level. We have the production, we have the demand, we have a renewable fuels standard, we have a market, but we don't have a way of joining those. Because of the costs associated with installing some of these pumps, a lot of filling station owners are reluctant to do so. What this would do is provide up to $30,000 or 30 percent of the cost not to exceed $30,000 toward that end. So we think this is a very commonsense approach to doing something that we really need to be doing in America today, and that is moving away from our dependence upon the oil industry for our energy.

I wanted to tell my colleagues a little bit about who supports this piece of legislation. We have a number of businesses, agricultural and alternative energy groups, including General Motors, Ford Motors, Daimler Chrysler—all the big domestic automakers—Wal-Mart, the Petroleum Marketers Association of America, the National Ethanol Vehicle Coalition, the National Association of Fleet Administrators, the Renewable Fuels Association, the National Biodiesel Board, the National Corn Growers Association, the American Soybean Association, the American Coalition for Ethanol, and the National Association of Truck Stop Operators.

So up and down the so-called food chain, from the production, the corn growers, the manufacturers of vehicles in this country, those who are involved at the retail level with getting fuel out there—filling stations, convenience stores—all the agricultural organizations, as I said, the ethanol industry, are all very much supportive of this particular piece of legislation.

A measure very similar to this overwhelmingly passed in the House of Representatives by a vote of 355 to 9 back on July 4 of 2006. Unfortunately, the Senate was unable to consider our companion measure before adjourning last year.

So Senator SALAZAR and I wholeheartedly believe this is a commonsense measure that will significantly increase the number of alternative refueling stations nationwide. As I said earlier, it accomplishes a lot of objectives that are important from a policy standpoint, a national security standpoint, energy security standpoint, and an environmental standpoint. This, to me, is a win-win, and I hope the Senate will act on it before this year is out. Hopefully, we will start to consider very seriously in the weeks and months ahead energy legislation and another farm bill, which I hope will have a very robust energy title included in it. It is high time we did something substantial to lessen or to close this gap we have and this problem that needs to be addressed in terms of our ability to continue to grow the renewable fuels industry in this country, home-grown energy, energy that we get on an annual basis.

We raise a corn crop every year in South Dakota, as they do in Iowa, Minnesota, and Nebraska and in other States across this country which are all starting to realize the benefits of ethanol production and what it means to their agricultural economy. So this

is a good piece of legislation that makes sense in so many ways. I hope the very clear logic of it will help us prevail in getting it passed in the Senate this year.

This legislation is cosponsored by Senator HAGEL of Nebraska and Senator CONRAD of North Dakota. I again put this bill before the Senate, and I look forward to its consideration.

Mr. SALAZAR. Mr. President, I join my colleague Senator THUNE today in introducing S. 331, the Thune/Salazar Alternative Fuel Grant Program. I am proud that Senators HAGEL and CONRAD are also joining us in this effort.

This morning I spoke about the dire threat that our dependence on foreign oil poses to our energy security and our national security. We are simply too vulnerable to oil shocks, supply disruptions, and the whims of oil-rich and democracy-poor countries.

It is time to build a new, clean energy economy that runs on biofuels, wind, solar, and alternative energies. This clean energy economy will move us out of the shadows of our oil dependence. Our farmers, ranchers, engineers, and entrepreneurs should play a lead role in this clean energy revolution, and Congress should do more to help them.

The bill that Senator THUNE and I are introducing today, S. 331, is a straightforward bill that will help expand the availability of alternative fuels at our Nation's filling stations.

It aims to solve a key problem that is slowing the growth of alternative fuels in the transportation sector. Although our farmers and ranchers are producing more and more biofuels each year, and our car manufacturers are building more and more vehicles that run on E–85, consumers still have a difficult time finding anything but gasoline at their filling station.

Our alternative fuel infrastructure is woefully behind the times. At last count, only a few hundred filling stations around the country carried E–85 fuel, while more than 6 million flexible fuel vehicles are on the road.

Consumers should have the choice of whether to fill their car with biofuels or with gasoline. Unfortunately, most of them do not.

The bill we are introducing is simple. It would provide grants to eligible gas station owners, farmers, and businesses that install pumps to deliver alternative fuels, such as natural gas or E–85.

The bill uses funds collected through CAFE penalties—approximately $20 million—for grants of up to $30,000. The funding would still be subject to annual appropriations and is budget neutral.

This bill will dramatically improve the availability of alternative fuels to consumers. It will allow those with E–85 vehicles to finally use the fuel they dream of using. It will also put in place the infrastructure we need for cellulosic ethanol, which is expected to come to market in just a few years.

I urge my colleagues to take a serious look at this bill—it is common sense, straightforward, fills a clear need, and is fiscally responsible.

I again thank my colleague from South Dakota for his leadership on this matter.

By Mr. WYDEN:

S. 334. A bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away; to the Committee on Finance.

Mr. WYDEN. Mr. President, it has been more than a decade since the U.S. Senate last addressed fixing health care. I do not think it is morally right for the Senate to duck on health care any longer and that is why I am proposing legislation today to provide affordable, guaranteed, private health coverage for all Americans.

The legislation, called the Healthy Americans Act, ensures care for the 46 million Americans who now live without health insurance, frees business owners from the skyrocketing costs of insuring their workers, and promises every American health care coverage that can never be taken away. My proposal is fully paid for, holds down health care cost growth in the future and provides coverage just like Members of Congress can get now.

America spent $2.2 trillion on health care last year. PriceWaterhouseCoopers expects premiums will increase 11 percent this year alone and I believe the American health care system as we know it is not sustainable.

Our current employer-sponsored health insurance system is a historic accident. In the 1940s, employers needed a way to attract workers as wage and price controls continued. Our country needs a uniquely American solution that works for an economy that is competing not just with the company across town but the company across the world. Americans need a health care system that works for individuals and families, and encourages people to stay healthy instead of only seeking care after they are sick.

The Healthy Americans Act does this and more. It doesn't take long to explain how the Healthy Americans Act works. From the first day individuals, families and businesses win. The Healthy Americans Act cuts the link between health insurance and employment altogether. Under the Healthy Americans Act, businesses paying for employee health premiums are required to increase their workers' paychecks by the amount they spent last year on their health coverage. Federal tax law is changed to hold the worker harmless for the extra compensation, and the worker is required to purchase private coverage through an exchange in their State that forces insurance companies to offer simplified, standardized coverage, with benefits like a Member of Congress gets, and prohibits insurers from engaging in price discrimination.

Requiring employers to cash out their health premiums, as I propose in the Healthy Americans Act, is good for both employers and workers. With health premiums going up 11 percent this year, employers are going to be glad to be exempt from these increases. With the extra money in their paycheck, workers have a new incentive to shop for their health care and hold down their cost. If a worker can save a few hundred dollars on their health care purchase, they can use that money for something else they need.

In addition, the Healthy Americans Act is easy to administer and guarantees lifetime health security. Once you have signed up with a plan through an exchange in the State in which you live, that is it; you have completed the administrative process. Even if you lose your job or you go bankrupt, you can never have your coverage taken away. Sign up, and the premium you pay for the plan and all of the administrative activities are handled through the tax system. For those who cannot afford private coverage, the Healthy Americans Act subsidizes their purchases.

Businesses that have not been able to afford health coverage for their workers, under the new approach, will pay a fee—one that is tiered to their size and revenue, with some paying as little as 2 percent of the national average premium amount per worker for that basic benefit package.

It will be easy to administer, locally controlled, with guaranteed coverage as good as your Member of Congress gets. The Lewin Group has costed out my proposal and reports that it is fully paid for and in addition to expanding coverage for millions of people, guaranteeing health benefits as good as their Member of Congress gets, it also saves $4.5 billion in health spending in the first year. Money is saved by reducing the administrative costs of insurance, reducing cost shifting, and preventing those needless hospital emergency room visits. Also, there are substantial incentives that come about because insurance companies would have to compete for the business of consumers, who would have a new incentive to hold down health costs.

There are other parts of the Healthy Americans Act I wish to describe briefly. As the name of the legislation suggests, I believe strongly that fixing American health care requires a new ethic of health care prevention, a sharp new focus in keeping our citizens well, and trying to keep them from falling victim to skyrocketing rates of increase in diabetes, heart attack, and strokes.

Spending on these chronic illnesses is soaring, and it is especially sad to see so many children and seniors fall victim to these diseases. Yet many Government programs and private insurance devote most of their attention to treating Americans after they are ill and give short shrift to wellness.

Under the Healthy Americans Act, there will be for the first time significant new incentives for all Americans to stay healthy. They are voluntary incentives, but ones that I think will make a real difference in building a national new ethic of wellness and health care prevention.

Parents who enroll children in wellness programs will be eligible for discounts in their own premiums. Instead of mandating that parents take youngsters to various health programs—and maybe they do and maybe they don't—the Healthy Americans Act says when a parent takes a child to one of those wellness programs, the parent would be eligible to get a discount on the parent's health premiums.

Under the Healthy Americans Act, employers who financially support health care prevention for their workers get incentives for doing that as well. Medicare is authorized to reduce outpatient Part B premiums so as to reward seniors trying to reduce their cholesterol, lose weight, or decrease the risk of stroke. It has never been done before. For example, Part B of Medicare, the outpatient part, doesn't offer any incentives for older Americans to change their behavior. Everybody pays the same Medicare Part B premium right now. The Healthy Americans Act proposes we change that and ensures that if a senior from Virginia or Oregon or elsewhere is involved in a wellness program, in health care prevention efforts, like smoking cessation, they could get a lower Part B premium for doing that.

The preventive health efforts I have described are promoted through new voluntary incentives under the Healthy Americans Act, not heavy-handed mandates. What this legislation says is—let's make it more attractive for people to stay healthy and change their behaviors to promote the kind of wellness practices we all know we should do but need an incentive to follow.

Finally, and most importantly, the Healthy Americans Act does not harm those who have coverage in order to help those who have nothing. The legislation makes clear that all Americans retain the right to purchase as much health care coverage as they want. All Americans will enjoy true health security with the Healthy Americans Act, a lifetime guarantee of coverage at least as good as their Member of Congress receives.

A recent ''Health Affairs'' article pointed out that more than half of the Nation's uninsured are ineligible for public programs such as Medicaid, but do not have the money to purchase coverage for themselves.

At present, for most poor people to receive health benefits, they have to go out and try to squeeze themselves into one of the categories that entitles them to care. Under the Healthy Americans Act, low-income people will receive private health coverage, coverage that is as good as a Member of Congress gets, automatically. Like everyone else, they will sign up through the exchange in their State. When they are working, the premiums they owe are withheld from their paycheck. If they lose their job, there is an automatic adjustment in their withholding.

In addition, under the Healthy Americans Act, it will be more attractive for doctors and other health care providers to care for the poor. Those who are now in underfunded programs, such as Medicaid, are going to be able to have private insurance that pays doctors and other providers commercial rates which are traditionally higher than Medicaid reimbursement rates.

Because low-income children and the disabled are so vulnerable, if Medicaid provides benefits that are not included in the kind of package Members of Congress get, then those low-income folks would be entitled to get the additional benefits from the Medicaid Program in their State.

The Healthy Americans Act also makes changes in Medicare. As the largest Federal health program, Medicare's financial status is far more fragile than Social Security. Two-thirds of Medicare spending is now devoted to about 5 percent of the elderly population. Those are the seniors with chronic illness and the seniors who need compassionate end-of-life health care. The Healthy Americans Act strengthens Medicare for both seniors and taxpayers in both of these areas.

In addition to reducing Medicare's outpatient premiums for seniors who adopt healthy lifestyles and reduce the prospect of chronic illness, primary care reimbursements for doctors and other providers get a boost under the Healthy Americans Act. Good primary care for seniors also reduces the likelihood of chronic illness that goes unmanaged. This reimbursement boost is sure to increase access to care for seniors—and I see them all over, in Oregon and elsewhere—who are having difficulty finding doctors who will treat them.

To better meet the needs of seniors suffering from multiple chronic illnesses, the Healthy Americans Act promotes better coordination of their care by allowing a special management fee to providers who better assist seniors with these especially important services.

Hospice law is changed so that seniors who are terminally ill do not have to give up care that allows them to treat their illness in order to get the Medicare hospice benefit. In addition, the Healthy Americans Act empowers all our citizens wishing to make their own end-of-life care decisions. The legislation requires hospitals and other facilities to give patients the choice of stating in writing how they would want their doctor and other health care providers to handle various end-of-life care decisions.

When I announced the Healthy Americans Act last December, I stood with an unprecedented coalition of labor and business. Andy Stern, president of SEIU said ''It is time for fundamental, not incremental change and Senator WYDEN has a plan that is practical and principle, and sets down a moral test'' 'Why doesn't every American have the right to the same health care as the President, the Vice President, 535 members of Congress and 3 million Federal workers?''' Steve Burd, the CEO of Safeway, a Fortune 50 company that has focused on prevention and wellness, called the Healthy Americans Act ''an innovative proposal that lays a foundation to begin a serious discussion on health care reform in this country.''

Ron Pollack of Families USA, listed the principles embodied in the Healthy Americans Act that he believes are important: universality; subsides to make the coverage affordable; community rating rules so the sicker and older are not priced out of the market; and benefits like a Member of Congress has today.

Also at my press conference was Mike Roach, of Portland, OR, a 30-year member of National Federation of Independent Businesses. He owns a clothing store in Portland and employs eight people. He believes the Healthy Americans Act will help him attract good employees. And Bob Beal, president of Oregon Iron Works, an Oregon-based company that competes internationally, believes that we must also address the skyrocketing health care costs that make it harder for companies like his in the international market place.

Like me, the people who stood by me when I announced the Healthy Americans Act believe we need to move the health care debate forward and cannot afford to let more time to go by. The last time Congress took a serious look at reforming health care, there wasn't anything resembling this kind of coalition of labor, business, low-income and end-of-life advocates standing together to call for action.

In tackling one-seventh of the economy, invariably technical issues arise. I want to thank many people who have assisted along the way. Len Nichols of the New America Foundation sent me e-mails at 2 in the morning that helped refine provisions. John Sheils, Randy Haught and Evelyn Murphy of the Lewin Group assisted in telling us our numbers worked or didn't. The Congressional Research Service staff followed up on questions from the common to the obscure. That group included: Bob Lyke, Jeanne Hearne, April Grady, Julie Whitaker, Christine Scott, Chris Peterson, Richard Rimkunas, Karen Trintz, Julie Stone and Andrew Sommers. The Senate Legislative Counsel staff translated the ideas and concepts into legislative language. They devoted an enormous amount of time in getting the ideas and the language right. I'd like to thank Mark Mathiesen, Mark McGunagle, Bill Baird, John Goetcheus, Stacy Kern-Sheerer, Kelly

Malone and Ruth Ernest for their patience and extraordinary effort.

On my staff, Joshua Sheinkman, my legislative director and Jeff Michaels, my administrative assistant, were instrumental in completing the tax and business sections of the bill. Emily Katz who started in my office as a legislative fellow and became a permanent part of the Wyden health team made sure we had credible facts and statistics. Last but not least, I would like to thank Stephanie Kennan, my Senior Health Policy Adviser for the last 9 years who played devil's advocate, worked through the conflicting and evolving ideas, and kept the many threads of the bill working together.

The full text of the Healthy Americans Act and the Lewin analysis are available on my Web site.

In closing, I believe that without your health, you don't get to the starting line of life. For too long, the Congress has dodged the debate and chosen to slice off parts of the issue. And as worthy as those past efforts have been to help certain segments of our citizens, all Americans deserve guaranteed coverage like their Member of Congress, and no one should go to bed at night worrying about losing their health care. It is time for Congress to provide 21st century solutions to one of the most important issues our country must address. The Healthy Americans Act starts that debate.

I ask unanimous consent, that the Healthy Americans Act section-by-section summary, and examples of how the legislation would affect individuals and families and employers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE HEALTHY AMERICANS ACT SECTION BY SECTION

Section 1— Short Title and Table of Contents

Section 2—Findings

Section 3—Definitions

TITLE I: HEALTHY AMERICANS PRIVATE INSURANCE PLANS

Subtitle A—Guaranteed Private Coverage

Section 101: Guarantee of Healthy Americans Private Insurance Coverage: Within 2 years of enactment States must create a system as outlined in the bill to provide individuals the opportunity to purchase a Healthy Americans Private Insurance (HAPI) plan that meets the requirements of the Act.

Section 102: Individual Responsibility to Enroll: Adults (over age 19, U.S. citizens, not incarcerated) must enroll themselves and dependent children in a plan offered through the state-wide Health Help Agency (HHA) unless they provide evidence of enrollment or coverage through Medicare, a health insurance plan offered by the Department of Defense, an employee benefit plan through a former employer (i.e. retiree health plans), a qualified collective bargaining agreement, the Department of Veterans Affairs, or the Indian Health Service.

Religious Exemption: If a person opposes for religious reasons to purchasing health insurance the requirement may be waived.

Dependent Children: Each adult has the responsibility to enroll each child in a plan. Dependent children include individuals up to age 24 claimed by their parents for deductions in the tax code.

Penalty for Failure to Purchase Coverage: If an individual fails to purchase coverage and does not meet the exceptions or the religious exemption, then a financial penalty will be assessed. The penalty is calculated by multiplying the number of uncovered months times the weighted average of the monthly premium for a plan in the person's coverage class and coverage area, plus 15 percent. Payments will be made to the HHA of the State in which the person resides. That agency also may establish a procedure to waive the penalty if the penalty poses a hardship. Each State shall determine appropriate mechanisms to enforce the requirement that individuals be enrolled, but the enforcement cannot be the revocation or ineligibility of coverage.

Subtitle B—Standards for Healthy Americans Private Insurance Coverage

Section 111: Healthy Americans Private Insurance Plans: At least two plans that meet the requirements of the Act must be offered through the Health Help Agency in each State. The offerings permitted through Health Help include several options: (1) a plan similar to the Blue Cross Blue Shield Standard Plan provided under the Federal Employees Health Benefit Program as of January 1, 2007; (2) plans with additional benefits added to the standard plan so long as those benefits are priced and displayed separately; and (3) actuarial equivalent plans to the standard plan. In addition, plans must provide benefits for wellness programs; incentives to promote wellness; provide coverage for catastrophic medical events resulting in the exhaustion of lifetime limits; create a health home for the covered individual or family; ensure that as part of a first visit with a primary care physician, a care plan is developed to maximize the health of the individual through wellness and prevention activities; provide for comprehensive disease prevention, early detection and management; and provide for personal responsibility contributions at the time services are administered except for preventive items or services for early detection.

Family Planning: A health insurance issuer must make available supplemental coverage for abortion services that may be purchased in conjunction with a HAPI plan or an actuarially equivalent HAPI.

Actuarial Equivalent Plans: Actuarial equivalent plans have to have a set of core benefits that include preventive items and services; inpatient and outpatient hospital services; physicians' surgical and medical services; and laboratory and X-ray services. Like the other HAPI plans, actuarial equivalent plans cannot charge copays for prevention and chronic disease management items or services.

Coverage Classes: There will be the following coverage classes: (1) individual; (2) married couple or domestic partnership (as determined by a State) without dependent children; (3) coverage of an adult individual with 1 or more dependent children; (4) coverage of a married couple or domestic partnership as determined by a State with one or more dependent children.

Premium Determinations: Community rating or adjusted community rating principles established by the State will be used. States may permit premium variations based only on geography, smoking status, and family size. States may determine to have no variations.

A State shall permit a health insurance issuer to provide premium discounts and other incentives to enrollees based on participation in wellness, chronic disease management, and other programs designed to improve the health of participants.

Limitations: Age, gender, industry, health status or claims experience may not be used to determine premiums.

Section 112: Specific Coverage Requirements: This section requires existing provisions of law currently applied to group health markets to be applied to the plans offered through Health Help Agencies including: protections for coverage of pre-existing conditions; guaranteed availability of coverage; guaranteed renewability of coverage; prohibition of discrimination based on health status; coverage protections for mothers and newborns, mental health parity, and reconstructive surgery following a mastectomy; and prohibition of discrimination on the basis of genetic information.

This section also states that a HAPI plan shall not establish rules for eligibility for enrollment based on genetic information, and premiums and personal responsibility payments cannot be adjusted based on genetic information. A plan cannot request or require an individual to have a genetic test.

Section 113: Updating Healthy Americans Private Insurance Plan Requirements: The Secretary of Health and Human Services (HHS) shall create a 15-person advisory committee that will report annually to Congress and the Secretary concerning modifications to benefits, items and services. The committee members will include a health economist; an ethicist; health care providers including nurses and other non-physician providers; health insurance issuers; health care consumers; a member of the U.S. Preventive Services Task Force; and an actuary.

Subtitle C—Eligibility for Premium and Personal Responsibility Contribution Subsidies

Section 121: Eligibility for Premium Subsidies: Individuals and families with modified adjusted gross incomes of 100% of poverty ($9,800 individual, $20,000 for a family of four) and below will be eligible for a full subsidy with which to purchase health insurance. For individuals and families with income between 100% of poverty and 400% of poverty ($39,200 for an individual, $52,800 for a couple and $80,000 for a family of four), subsidies will be provided on a sliding scale.

[Note: To calculate the subsidy level, the individual or family would first subtract the health deductions and a deduction for children in the family to determine the modified adjusted gross income. See deductions in Section 664.]

Individuals have 60 days to notify the HHA that there has been a change in income which may make them eligible or ineligible for the subsidy. States may also develop other mechanisms to ensure individuals do not have a break in coverage due to a catastrophic financial event.

Section 122: Eligibility for Personal Responsibility Contribution Subsidies:

Full subsidy: Individuals who have a modified adjusted gross income below 100 percent of poverty will receive a subsidy amount equal to the full amount of any personal responsibility contributions.

Partial subsidy: For individuals with modified adjusted gross incomes at or above 100 percent of poverty an HHA may provide a subsidy equal to the amount of any personal responsibility contributions the person incurs.

Section 123: Definitions and Special Rules:

The term modified adjusted gross income means adjusted gross income as defined in the Internal Revenue Code increased by the amount of interest received during the year and the amount of any Social Security benefits received during the taxable year.

Taxable year to be used to determine modified adjusted gross income is determined by the individual's most recent income tax return and other information the Secretary may require.

Poverty Line is the meaning given in the Community Health Services Block Grant.

The Secretary shall promulgate regulations to be used by the HHAs to calculate premium subsides and personal responsibility subsidies for individuals whose modified adjusted gross income is significantly lower than for the previous year being used to calculate the premium subsidy.

Special Rule for Unlawfully Present Aliens: Subsidies may not go to adult illegal aliens.

Special Rule for Aliens: If an alien owes either a premium payment or a penalty, the alien's visa may not be renewed or adjusted.

Bankruptcy: Debts created by failing to pay premiums are not dischargeable through bankruptcy.

Subtitle D—Wellness Programs

Section 131: Requirements for Wellness Programs:

Defining Wellness: Wellness programs must consist of a combination of activities designed to increase awareness, assess risks, educate and promote voluntary behavior change to improve the health of an individual, modify his or her consumer health behavior, enhance his or her personal wellbeing and productivity, and prevent illness and injury.

Discounts on premiums: Individuals who participate successfully in approved wellness programs are eligible for a discounted premium, including rewarding parents if their child participates in an approved wellness program. Determinations concerning successful participation by an individual in a wellness program shall be made by the plan based on a retrospective review of the activities the individual participated in and the plan may require a minimum level of successful participation.

A plan may choose to provide discounts on personal responsibility contributions.

Wellness programs approved by the insurer must be offered to all enrollees and permit enrollees an opportunity to meet a reasonable alternative participation standard if it is medically inadvisable to attempt to meet the initial program standard. Participation in wellness programs cannot be used as a proxy for health status.

To be an approved wellness program, the program must be designed to promote good health and prevent disease, is approved by the HAPI plan, and is offered to all enrollees.

Employers may deduct the costs of offering wellness programs or worksite health centers.

TITLE II: HEALTHY START FOR CHILDREN

Subtitle A—Benefits and Eligibility

Section 201: General Goal and Authorization of Appropriations for HAPI Plan Coverage for Children: The general goal of Healthy Start is to ensure all children receive health coverage that is good quality, affordable and includes prevention-oriented benefits.

Funds needed for this section are to be appropriated.

If a child is in a family with an income of 300% or below and the child does not have coverage, Healthy Start shall ensure the child is enrolled in a plan. The States and insurers shall create a separate class of coverage for children not enrolled in a plan by an adult. A child is defined as those under the age of 18 or in the case of foster care, under the age of 21.

Section 202: Coordination of Supplemental Coverage under the Medicaid Program to HAPI Plan Coverage for Children: If a child was receiving services through Medicaid that are not offered through the private coverage offered through Health Help, Medicaid will continue to provide that assistance. This includes Early Periodic Screening Diagnosis and Treatment (EPSDT) services.

Subtitle B—Service Providers

Section 211: Inclusion of Providers under HAPI Plans: Children receiving care though school based health centers, other centers funded through Public Health Service Act, rural health clinics or an Indian Health Service facility will be provided services at no cost or HAPI plans will reimburse the providers for the services.

Section 212: Use of, and Grants for, School Based Health Centers: Creates and defines school based health centers and provides for grants to develop more school based health centers.

School based health centers must be located in elementary or secondary schools, operated in collaboration with the school in which the center is located; administered by a community-based organization including a hospital, public health department, community health center, or nonprofit health care agency. The school based health center must provide primary health care services including health assessments, diagnosis and treatment of minor acute or chronic conditions and Healthy Start benefits; and mental health services. Services must be available when the school is open and through on call coverage. Services are to be provided by appropriately credentialed individuals including nurse practitioner, physician assistant, a mental health professional, physician or an assistant. Centers must use electronic medical records by January 1, 2010. In addition, the centers may also provide preventive dental services consistent with State licensure law through dental hygienists or dental assistants.

School based health centers may provide services to students in more than one school if it is determined to be appropriate.

A parent must give permission for the child to receive care in a school based health center. Centers may seek reimbursement from a third party payer including HAPI plans. Funds received from third party payer reimbursement shall be allocated to the center in which the care was provided.

Development Grants: The Secretary shall provide grants to local school districts and communities for the establishment and operation of school based health centers. The Secretary shall give priority to applicants who will establish a school based health center in medically underserved areas or areas for which there are extended distances between the school involved and appropriate providers of care for children; services students with the highest incidence of unmet medical and psycho social needs; and can demonstrate that funding state, local or community partners have provided at least 50 percent of the funding for the center to ensure the ongoing operation of the center.

Federal Tort Claims Act: A health care provider shall have malpractice coverage through the Federal Tort Claims Act for services provided through a school based health center.

TITLE III: BETTER HEALTH FOR OLDER AND DISABLED AMERICANS

Subtitle A—Assurance of Supplemental Medicaid Coverage

Section 301: Coordination of Supplemental Coverage under the Medicaid Program for Elderly and Disabled Individuals: The Secretary shall provide guidance to States and insurers that takes into account the specific health care needs of elderly and disabled individuals who receive Medicaid benefits so that Medicaid may provide services not provided by HAPI plans.

Subtitle B—Empowering Individuals and States To Improve Long-Term Care Choices

Section 311: New, Automatic Medicaid Option for State Choices for Long-Term Care: If a State decides to do a waiver similar to the Vermont waiver which allows individuals to have access to home and community based services, so long as the State meets criteria specified, the State may automatically implement the program.

Section 312: Simpler and More Affordable Long-Term Care Insurance Coverage: This section creates Medigap-like models for tax qualified long term care policies and adds additional consumer protections.

A Qualified Long Term Care Plan is a plan that meets the standards and requirements developed by either the National Association of Insurance Commissioners (NAIC) or by federal regulations.

Development of Standards and Requirements: Within 9 months after the date of enactment, the NAIC should adopt a model regulation to regulate limitations on the groups or packages of benefits that may be offered under a long term care insurance policy; uniform language and definitions; uniform format to be used in the policy with respect to benefits; and other standards required by the Secretary of HHS.

If NAIC does not adopt a model regulation with the 9-month period, the Secretary shall promulgate regulations within 9 months that do the same as the above section. In developing standards and requirements, the Secretary shall consult with a working group of representatives of long term care insurers, beneficiaries and consumer groups, and other individuals.

Limitations on Groups and Packages of Benefits: The model regulation or federal regulation shall provide for the identification of a core group of basic benefits common to all policies and the total number of different benefit packages and combination of benefits that maybe offered as a separate benefit package may not exceed 10.

The objectives that need to be balanced in developing the packages are: to simplify the market to facilitate comparisons among policies; avoiding adverse selection; provide consumer choice; provide market stability and promote competition.

The requirements would go into effect no later than one year after the date NAIC or the Secretary adopts the standards.

Required State Legislation: State legislatures would adopt the standards.

Additional Consumer Protections: This section amends the 1993 NAIC model regulation and model Act to require additional consumer protections for qualified long term care policies concerning, guaranteed renewal or noncancelability; prohibitions on limitations and exclusions, continuation or conversion of coverage, unintentional lapse, probationary periods, preexisting conditions, and other issues.

Any person selling a long term care insurance policy shall make available for sale a policy with only the core group of basic benefits.

TITLE IV: HEALTHIER MEDICARE

Subtitle A—Authority To Adjust Amount of Part B Premium To Reward Positive Health Behavior

Section 401: Authority to Adjust Amount of Medicare Part B Premium to Reward Positive Health Behavior: The Secretary may adjust Part B premiums for an individual based on whether or not the individual participates in healthy behaviors, including weight management, exercise, nutrition counseling, refraining from tobacco use, designating a health home, and other behaviors determined appropriate by the Secretary. In adjusting the Part B premium, the Secretary

must ensure budget neutrality and the aggregate must be equal to 25 percent of premium paid (as in current law).

Subtitle B—Promoting Primary Care for Medicare Beneficiaries

Section 411: Primary Care Services Management Payment: This section requires the Secretary to create a primary care management fee for providers who are designated the health home of a Medicare beneficiary and who provide continuous medical care, including prevention and treatment, and referrals to specialists. This section is cross referenced in the chronic care disease management section so that primary care physicians providing chronic disease management may receive the primary care services management fee for those services. The amount of the payment will be determined by the Secretary in consultation with MedPAC.

Requirement for Designation as a Health Home: The management fee shall be provided if the beneficiary has designated the provider as a health home. A health home is a provider that a Medicare beneficiary has designated to monitor the health and health care of the senior.

Subtitle C—Chronic Care Disease Management

Section 421: Chronic Care Disease Management: This section requires Medicare to have a chronic disease management program available to all Medicare beneficiaries no later than January 1, 2008. The program must cover the 5 most prevalent diseases. Physicians who are not primary care providers, but do provide chronic disease management may receive an additional payment for providing chronic disease management. The fee will be determined by the Secretary in consultation with MedPAC.

The Secretary shall establish procedures for identifying and enrolling Medicare beneficiaries who may benefit from participation in the program.

Section 422: Chronic Care Education Centers: This section creates Chronic Care Education Centers to serve as clearinghouses for information on health care providers who have expertise in the management of chronic disease.

Subtitle D—Part D Improvements Chapter 1

Section 431: Negotiating Fair Prices for Medicare Prescription Drugs (based on Snowe-Wyden MEND bill): This section provides the Secretary with authority to negotiate prices with manufacturers of prescription drugs. The Secretary must negotiate for fall back plans and if a plan requests assistance. However, the authority to negotiate is not limited to these two scenarios. Specifies no uniform formulary or price setting is permitted. Savings are to go towards filling the coverage gap or deficit reduction.

Section 432: Process for Individuals Entering the Medicare Coverage Gap to Switch to a Plan that Provides Coverage in the Gap (based on Snowe-Wyden Lifeline Act to permit people to change plans if they hit the donut hole): Permits individuals to change plans if they hit the coverage gap. In addition, the section requires the Secretary to notify individuals they are getting close to the coverage gap and what their options are. This provision would sunset 5 years after enactment.

Subtitle E—Improving Quality in Hospitals for All Patients

Section 441: Improving Quality in Hospitals for All Patients: Within 2 years after enactment, hospitals must demonstrate to accrediting bodies improvements in quality control that include: rapid response teams; heart attack treatments; procedures that reduce medication errors; infection prevention; procedures that reduce the incidence of ventilator-related illnesses; and other elements the Secretary wishes to add.

Within 2 years after enactment, the Secretary shall convene a panel of independent experts to ensure hospitals have state of the art quality control that is updated on an annual basis.

Subtitle F—End-of-Life Care Improvements

Section 451: Patient Empowerment and Following a Patient's Health Care Wishes: Within 2 years after enactment, health care facilities receiving Medicare funds must provide each patient with a document designed to promote patient autonomy by documenting the patient's treatment preferences and coordinating these preferences with physician orders. The document must transfer with the patient from one setting to another; provide a summary of treatment preferences in multiple scenarios by the patient or the patient's guardian and a physician or other practitioner's order for care; is easy to read in an emergency situation; reduces repetitive activities in complying with the Patient Self Determination Act; ensures that the use of the document is voluntary by the patient or the patient's guardian; is easily accessible in the patient's medical chart and does not supplant State health care proxy, living wills or other end-of-life care forms.

Section 452: Permitting Hospice Beneficiaries to Receive Curative Care: Changes the current Medicare requirement that to choose hospice an individual must give up curative care. Instead, an individual may continue curative care while receiving hospice.

Section 453: Providing Beneficiaries with Information Regarding End-of-Life Care Clearinghouse: When signing up for Medicare, the Secretary shall refer people to the clearinghouse described in this Act.

Section 454: Clearinghouse: The Secretary shall establish a national toll-free information clearinghouse that the public may access to find out State-specific information regarding advance directives and end-of-life care decisions. If such a clearinghouse exists and is administered by a not-for-profit organization the Secretary must support that clearinghouse instead of creating a new one.

SUBTITLE G—ADDITIONAL PROVISIONS

Section 461: Additional Cost Information: The Secretary of HHS shall require Medicare Advantage Organizations to aggregate claims information into episodes of care and to provide the information to the Secretary so costs for specific hospitals and physicians may be measured and compared. The Secretary shall make the information public on an annual basis.

Section 462: Reducing Medicare Paperwork and Regulatory Burdens: Not later than 18 months after the date of enactment, the Secretary shall provide to Congress a plan for reducing regulations and paperwork in the Medicare program. The plan shall focus initially on regulations that do not directly enhance the quality of patient care provided under Medicare.

TITLE V: STATE HEALTH HELP AGENCIES

Section 501: Establishment: Each state will establish a Health Help Agency to administer HAPI plans. States must establish an HHA in order to get transition payments to develop them.

Section 502: Responsibilities and Authorities: Health Help Agencies shall promote prevention and wellness through education; distribution of information about wellness programs; making available to the public the number of individuals in each plan that have chosen a health home; and promoting the use and understanding of health information technology.

Enrollment Oversight: Each HHA shall oversee enrollment in plans by: providing standardized unbiased information on plans available; administering open enrollment periods; assisting changes required by birth, divorce, marriage, adoption or other circumstances that may affect the plan a person chooses; establishing a default enrollment process; establishing procedures for hospitals and other providers to report individuals not enrolled in a plan; ensuring enrollment of all individuals; developing standardized language for plan terms and conditions to be used; providing enrollees with a comparative document of HAPI plans; and assisting consumers in choosing a plan by publishing loss ratios, outcome data regarding wellness programs, and disease detection and chronic care management programs categorized by health insurer.

The HHA will determine and administer subsidies to eligible individuals and collect premium payments made by or on behalf of individuals and send the payments to the plans.

HHAs shall empower individuals to make health care decisions by providing State-specific information concerning the right to refuse treatment and laws relating to end-of-life care decisions; and by providing access to State forms.

Each HHA will establish plan coverage areas for the State.

States that share one or more metropolitan statistical areas may enter into agreements to share responsibilities for administration.

States will have to work with the Secretary of HHS to ensure transition from Medicaid and SCHIP is orderly and that individuals receiving other benefits from Medicaid continue to do so.

Section 503: Appropriations for Transition to State Health Help Agencies: States will receive federal funds to establish HHAs for two full fiscal years. States may assess insurers for administrative costs of running their HHAs.

TITLE VI—SHARED RESPONSIBILITIES

Subtitle A—Individual Responsibilities

Section 601: Individual Responsibility to Ensure HAPI Plan Coverage: Individuals must enroll themselves and their children in a plan during open enrollment periods; submit documentation to the HHA to determine premium and personal responsibility contribution subsidies; pay the required premium and personal responsibility contributions; and inform the HHA of any changes that affect family status or residence.

Subtitle B—Employer Responsibilities

Section 611: Health Care Responsibility Payments: Reorders and changes the IRS code.

Subchapter A: Employer Shared Responsibility Payments

Section 3411: Payment Requirement: Employer Shared Responsibility Payments: Every Employer must make an employer shared responsibility payment (ESR) for each calendar year in the amount equal to the number of full time equivalent employees employed by the employer during the previous year multiplied by a percentage of the average HAPI plan premium amount. The percentage used is determined by size and revenue per employee.

Once in effect, the percentages employers would pay are:

Large employers:
0–20th percentile 17%
21st–40th percentile 19%
41st–60th percentile 21%
61st–80th percentile 23%
81st–99th percentile 25%
Small employers:
0–20th percentile 2%
21st–40th percentile 4%

41st–60th percentile 6%
61st–80th percentile 8%
81st–99th percentile 10%

At the beginning of each calendar year, the Secretary in consultation with the Secretary of Labor shall publish a table based on a sampling of employers to be used in determining the national percentile for revenue per employee amounts.

Transition Rates: Employers who offered health insurance prior to enactment will contribute ''make good'' payments to their employees. The payments will be equal to the cash value of the health insurance provided and the amount will be added to the employee's wages. These employers will not be required to make any other payments in the first two years.

If an employer did not provide health insurance to employees prior to this legislation, the employer shared responsibility payment for the first year will be equal to one-third of the amount otherwise required and the payment for the second year will be two thirds of the amount required.

Employer Shared Responsibility Credit: The Secretary may provide a credit to private employers who provided health insurance benefits greater than the 80th percentile of the national average in the 2 years prior to enactment, can demonstrate the benefits provided encouraged prevention and wellness activities and continue to provide wellness programs.

Section 3412: Instrumentalities of the United States: State and local governments must make employer shared responsibility payments.

Subchapter B: Individual Shared Responsibility Payments

Section 3421: Amount of Payment: Every individual shall pay an amount equal to the premium amount they owe.

Section 3422: Deduction of Individual Shared Responsibility Payment from Wages: Employers may deduct the amount of the payment for premiums from their employees' wages.

Subchapter C: General Provisions

Section 3431: Definitions and Special Rules: Provides definitions.

The average HAPI plan premium used to compute employer responsibility payments will be a simple average of all four premium classes (individuals, married, head of household and family)

All individuals who perform work for an employer for more than three months in the previous calendar year and who meet the definition of common law employee, either full or part time, will be counted toward the employer's total employees when determining the employer shared responsibility payments.

Section 3431: Definitions and Special Rules: Provides definitions

Section 3432: Labor Contracts: In general these provisions do not apply to collective bargaining agreements until the earlier of 7 years after the date of enactment or the date the collective bargaining agreement expires.

Section 612: Distribution of Individual Responsibility Payments to HHAs: The Treasury will provide to each HHA an amount equal to the amount of individual shared responsibility payments made through the tax code by each eligible individual.

Subtitle C—Insurer Responsibilities

Section 621: Insurer Responsibilities: To offer a HAPI plan through an HHA, insurers will be required to: implement and emphasize prevention, early detection and chronic disease management; ensure wellness programs are available; demonstrate how provider reimbursement methodology achieves quality and cost efficiency; ensure a physical and a care plan are available to the individual; ensure enrollees have the opportunity to designate a health home and make public how many enrollees have designated a health home; create a medical record if the patient wants one; comply with loss ratios established; use common claims form and billing practices; make administrative payments the State requires for the operation of its HHA; provide discounts and incentives for the parent if the child participates in a wellness program; report outcome data on wellness programs, disease detection and chronic care management, and loss ratio information; send large hospital bills to patients with a contact name so the patient can contact a person to discuss questions or complaints; and provide HHA with information concerning the plans offered.

Insurers must use standardized common claim forms prescribed by the State HHA chronic care programs offered must help provide early identification and management. Each program will use a uniform set of clinical performance standards.

Insurers must report performance and outcomes of chronic care management programs and loss ratios. Loss ratios will be defined by the Secretary in consultation with NAIC, consumers, and insurers.

Defines administrative expenses as including all taxes, reinsurance premiums, medical and dental consultants used in the adjudication process, concurrent or managed care review when not billed by a health provider and other forms of utilization review, the cost of maintaining eligibility files, legal expenses incurred in the litigation of benefit payments and bank charges for letters of credit.

The cost of personnel, equipment and facilities directly used in the delivery of health care services, payments to HHAs and the cost of overseeing chronic disease management programs and wellness programs are not included in the definition of administrative costs.

Subtitle D—State Responsibilities

Section 631: State Responsibilities: States must: designate or create a Health Help Agency; ensure HAPI plans are sold through the HHA and comply with requirements (there must be at least two HAPI plans offered); develop mechanisms for enrollment and the collection of premiums; ensure enrollment and develop methods to check on enrollment status; implement mechanisms to enforce the individual responsibility to purchase coverage (but this may not include revocation of insurance); and implement a way to automatically enroll individuals who are not covered and seek care in emergency departments.

States will continue to apply State law on consumer protections and licensure.

States must continue a maintenance of effort so they are required to contribute 100 percent of what they spent on health services prior to enactment.

Section 632: Empowering States to Innovate through Waivers: A State may be granted a waiver if the legislature enacts legislation or the State approves through ballot initiative a plan to provide heath care coverage that is at least as comprehensive as required under a HAPI plan. If the State submits a waiver to the Secretary, the Secretary must respond no later than 180 days and if the Secretary refuses to grant a waiver, the Secretary must notify the State and Congress about why the waiver was not granted.

Subtitle E—Federal Fallback Guarantee Responsibility

Section 641: Federal Guarantee of Access to Coverage: If a State does not establish an HHA and have a system up within two years, the Secretary shall establish a fallback plan so individuals can still receive a HAPI plan.

Subtitle F—Federal Financing Responsibilities

Section 561: Appropriation for Subsidy Payments: Appropriations will be made each year to fund the insurance premium subsides.

Section 652: Recapture of Medicare and 90 Percent of Medicaid Federal DSH Funds to Strengthen Medicare and Ensure Continued Support for Public Health Programs: All of Medicare DSH stops and remains in the Part A Trust Fund.

Medicaid DSH continues at 10 percent of current levels. The amount not spent is put into a new trust fund, the ''Healthy Americans Public Health Trust Fund.''

Section 9511: Healthy Americans Public Health Trust Fund: The Treasury shall establish a trust fund in which the funds that would have been spent on Medicaid DSH will now go. This trust fund will be used only for premium and personal responsibility payment subsidies and to States for a bonus payment if they adopt certain medical malpractice reforms. Any additional amounts will go toward reducing the federal budget deficit.

Subtitle G—Tax Treatment of Health Care Coverage Under Healthy Americans Program; Termination of Coverage Under Other Governmental Programs and Transition Rules for Medicaid and SCHIP

Part 1: Tax Treatment of Health Care Coverage Under Healthy Americans Program

Section 661: Limited Employee Income and Payroll Tax Exclusion for Employer Shared Responsibility Payments, Historic Retiree Health Contributions, and Transitional Coverage Contributions: The following payments made by employers are not taxable as income to their employees: (1) shared responsibility payments by employers; (2) payments for coverage of retirees under existing retiree health plans; (3) payments for continuing employer-provided health plans under existing collective bargaining agreements; and (4) payments for employer-provided coverage for long-term care.

Section 662: Exclusion for Limited Employer-Provided Health Care Fringe Benefits: The value of employer-provided wellness programs and on-site first aid coverage for employees is not taxable as income to the employees.

Section 663: Limited Employer Deduction for Employer Shared Responsibility Payments, Retiree Health Contributions and other Health Care Expenses: Limits the current employer deduction for the costs of employee health care coverage to the following: (1) shared responsibility payments made by employers; (2) coverage of retirees under existing retiree health plans; (3) continuing employer-provided health plans under existing collective bargaining agreements; (4) employer-provided wellness programs; and (5) on-site first aid coverage for employees.

Section 664: Health Care Standard Deduction: Creates a new Health Care Standard Deduction. Taxpayers can claim this deduction and reduce the amount they pay in taxes whether they file an itemized tax return or take the standard deduction. The amount of the deduction a taxpayer can claim depends on the class of health care coverage the taxpayer has. The deduction is indexed to the consumer price index with the deduction amounts initially set as follows:

Individual coverage—$6,025

Married couple or domestic partnership coverage—$12,050

Unmarried individual with dependent children—$8, 610 plus $2,000 for each dependent child

Married couple or domestic partnership (as determined by a State) with dependent children—$15,210 plus $2,000 for each dependent child

The deduction can be claimed by individuals and families with incomes greater than the poverty line. Both the health care and the healthy child deduction are phased in starting from 100–400 percent of poverty. The deduction begins phasing out starting at $62,500 ($125,000 in the case of a joint return) and is fully phased out at $125,000 ($250,000 in the case of a joint return). The deduction will be adjusted for inflation

Section 665: Modification of Other Tax Incentives to Complement Healthy Americans Program: Sunsets the following tax breaks for health care: tax credit for health insurance costs of individuals; coverage of health care benefits under ''cafeteria plans''; and Archer Medical Savings Accounts. This section also allows Health Savings Accounts in conjunction with high deductible Healthy Americans Private Insurance plans and long-term care benefits to be provided tax-free to workers through cafeteria plans.

Section 666: Termination of Certain Employer Incentives When Replaced by Lower Health Care Costs: Beginning 2 years after enactment, terminates tax provisions relating to income attributable to domestic production activities, relating to tax-exempt status of voluntary employees' beneficiary associations, and relating to inventory property sales source rule exception, and the deferral of active income of controlled foreign corporations.

Part II: Termination of Group Coverage under other Governmental Programs and Transition Rules for Medicaid and SCHIP

Sections 671–673: eliminates group coverage, FEHBP, Medicaid (except for its wrap around and long term care functions) and SCHIP.

TITLE VII: OTHER PROVISIONS

Subtitle A—Effective Health Services and Products

Section 701: One Time Disallowance of Deduction for Advertising and Promotional Expenses for Certain Prescription Pharmaceuticals: If a drug is new and on the market, there is no tax deduction for advertising unless it is being studied for comparison effectiveness. If the drug is already on the market it must inform consumers that a generic will be on the market if the drug is coming off patent.

Section 702: Enhanced New Drug and Device Approval: Drugs and devices get additional exclusivity or additional patent protection if they submit comparison effectiveness as part of their application to the Food and Drug Administration.

Section 703: Medical Schools and Finding What Works in Health Care: Medical schools and other researchers may post on a website run by Agency Healthcare Research and Quality (AHRQ) evidence-informed best practices. AHRQ will run a pilot program to find ways to get that information into the curricula of medical schools.

Section 704: Finding Affordable Health Care Providers Nearby: Creates a website so individuals can find affordable high quality providers by zip code. The website can begin with the providers who report under pay for performance efforts and then be broadened out to include all providers using uniform care standards developed in consultation with Quality Improvement Organizations (QIOs).

The affordability standard would be developed by the Secretary in consultation with insurers.

Subtitle B—Other Provisions to Improve Health Care Services and Quality

Section 711: Individual Medical Records: Individuals own their medical records.

Section 712: Bonus Payment for Medical Malpractice Reform: If a State adopts certain reforms the State may get additional funds. Those reforms are: (1) require an individual who files a malpractice action in state court have the facts of their case reviewed by a panel with not less than one qualified medical expert chosen in consultation with the State Medicare quality improvement organization or physician specialty whose expertise is appropriate for the case; not less than one legal expert and not less than one community representative to verify that a malpractice claim exists; (2) permit an individual to engage in voluntary non-binding mediation with respect to the malpractice claim prior to filing an action in court; (3) impose sanctions against plaintiffs and attorneys who file frivolous medical malpractice claims in courts; (4) prohibit attorneys who file three or more medical malpractice actions in state courts from filing others in state courts for a period of 10 years; and provides for the application of presumption of reasonableness if the defendant establishes that he or she followed accepted clinical practice guidelines established by the specialty or listed in the National Guideline clearinghouse.

The bonus payments must be used to carry out activities related to disease and illness prevention and for children's health care services.

TITLE VIII: CONTAINING MEDICAL COSTS

Section 801: Cost-Containment Results of the Healthy Americans Act: Summarizes what in the bill contains costs.

THE HEALTHY AMERICANS ACT—AFFORDABLE HEALTH CARE FOR EVERY AMERICAN

Worker Profiles	Current Health System	Wyden Plan
Fabulous Clean, janitor, has $25,000/year income; married with 2 children; family insured through employer.	Pays $2,000 in premiums; Tax savings: $500 (not taxed on employer's $5,000 contribution). Net cost:$1,500	Pays $1,200 in subsidized premiums; Salary increase: $5,000; Additional taxes after the new health care tax deduction: $150 Net savings:$3,650
Sally Forth, secretary, has $40,000/year income; married with 2 children; family insured through employer.	Pays $2,500 in premiums; Tax savings: $1,500 (not taxed on employer's $10,000 contribution). Net cost:$1,000	Pays $3,600 in subsidized premiums; Salary increase: $10,000; Additional taxes after the new health care tax deduction: $60 Net savings:$6,340
Bess Driver, school bus driver, has $55,000/year income; married; couple insured through employer.	Pays $1,000 in premiums; Tax savings: $1,575 (not taxed on employer's $10,500 contribution). Net savings:$575	Pays $8,200 in premiums; Salary increase: $10,500; Tax savings after the new health care tax deduction: $230 Net savings:$2,530
Ann Bankroll, investment banker, has $200,000/year income; married; 2 children; family insured through employer.	Pays $2,500 in premiums; Tax savings: $3,300 (not taxed on employer's $10,000 contribution). Net savings:$800	Pays $10,600 in premiums; Salary increase: $10,000; Additional taxes after the new health care tax deduction: $1,271 Net cost:$1,871
Shirley Needing, waitress, has $15,000/year income; single; no health coverage.	None	Pays $600 in subsidized premiums; Tax savings after new health care tax deduction:: $100 Net cost:$500 ($42/month)
Harold Heart, salesman, has $25,000/year income; married with 2 children; no health coverage.	None available because of preexisting condition.	Pays $600 in subsidized premiums; Tax savings*: $150 Net cost:$450 ($38/month)

THE HEALTHY AMERICANS ACT: WORKING FOR EMPLOYERS

SMALL SERVICE EMPLOYER

Daisy Hills Day Care has 32 employees, 8 are full-time and the other 24 work an average of 20 hours per week. Only the 8 full-time employees are currently eligible for the Daisy Hills health plan, and 6 take advantage of it. The firm pays half of the premium for employees, nothing for family coverage. Daisy Hills's total current health care costs are $10,400 per year, which pays for coverage of only 6 employees. Under the Healthy Americans Act, Daisy Hills would pay a total of $6,208 per year in Employer Shared Responsibility payments. This amount represents 4 percent of the national average essential benefit premium multiplied by 20 full-time equivalent employees.

SMALL RESTAURANT

Doug's Diner has 3 full-time and 9 part-time employees who work an average of 30 hours per week. Doug cannot currently afford to offer health care to his employees. He often loses his best staff to chain restaurants that offer health insurance and is unable to afford insurance for himself and his family on the individual market. This small family business falls into the lowest rate tier under revenue by employee, paying a 2 percent rate. Under the Healthy Americans Act Doug will pay $1,513 per year and he, his family, and all of his employees will have access to affordable health insurance.

MID-SIZE FINANCIAL INSTITUTION

Happy Valley Bank has 1,600 full-time employees and 400 part-time employees who work an average of 25 hours per week. All employees who work over 20 hours per week are offered and take advantage of health care. The firm pays 80 percent of the premiums for individuals and families. Under the current system, Happy Valley's total health care expenditures are $10,200,000 per year. Under the Healthy Americans Act, they will pay a total of $3,589,463 per year. This amount represents 25 percent of the national average essential benefit premium per employee.

MID-SIZED MANUFACTURING FIRM

Allied Industrial has 1,000 full time employees. The firm pays 100 percent of individual premiums and 80 percent of family premiums for all employees. Currently Allied pays $6,100,000 per year in health care premiums and has been seeing 10 percent increases year over year for several years despite the use of a number of cost-control measures. Allied falls into the middle range of companies in revenue per employee, paying the 21 percent rate. Under the Healthy Americans Act, Allied will pay $1,629,890.

LARGE SPECIALTY RETAILER

Acme Game Emporiums is a national specialty retailer with 2,000 full time and 7,000 part time employees who work an average of 22 hours per week. All full time and 4,500 of the part time employees are eligible for and take advantage of Acme's health plan. The firm pays 95 percent of employees' premiums and 60 percent of family premiums. Their current total health care costs are $52,000,000 per year. As a retailer with relatively low revenue per employee, Acme pays the 19 percent rate. Under the Healthy Americans Act, Acme will pay $8,626,351.

By Mr. DORGAN (for himself, Mrs. MURRAY, Ms. MIKULSKI, Mr. AKAKA, Mr. LEAHY, Mr. LEVIN, Mr. KENNEDY, Ms. CANTWELL, Mr. ROCKEFELLER, Mr. KERRY, Mr. INOUYE, Mr. CARDIN, Mrs. BOXER, Mr. LIEBERMAN, Mr. MENENDEZ, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 335. A bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am joined by Senator MURRAY and 15 of our Senate colleagues in reintroducing legislation to stop the Internal Revenue Service from outsourcing part of

its tax collection responsibilities to private collection companies.

Last fall, the Internal Revenue Service, IRS, ignored objections raised by many Federal policymakers and tax experts, including the IRS's own National Taxpayer Advocate, and moved ahead with its controversial plan to hire private companies to collect Federal tax debts. When the IRS attempted a similar plan in 1996, it failed miserably. The 1996 initiative lost money. Taxpayers were harassed by private debt collectors. In many instances, private debt collectors violated Federal debt collection laws and confidential taxpayer information was not properly secured.

Today, the IRS is planning to share more than 2.5 million taxpayer accounts with up to 12 private collection companies when its new private debt collection plan is fully implemented—even though there is compelling evidence that this new initiative will suffer from many of the same maladies experienced by the IRS and taxpayers in the ill-fated 1996 plan.

IRS Commissioner Everson readily admits that if the IRS hired and used trained IRS employees for this purpose, not private collectors, far more revenues would be deposited in the U.S. Treasury fund. Yet the IRS is ready to hand out very large commissions ranging from 21 to 24 percent to private firms for every dollar they collect, when internal IRS reports suggest that it would cost the Federal Government just 3 pennies on a dollar to have trained IRS employees collect tax debts that are owed.

Stated another way, the IRS anticipates spending well over $300 million in commission payments to private firms to collect an estimated $1.4 billion in tax debt over 10 years, when internal IRS reports suggest that spending $296 million to hire new IRS collectors could raise some $9.5 billion annually. At a time of exploding deficits and Federal debt, the IRS's use of private debt collectors is an inexcusable waste of taxpayer money.

In fact, the Government Accountability Office, GAO, released a report last September revealing that the cost of implementing the IRS's initial phases of its tax debt collection initiative alone, excluding any commission payments, may actually exceed all of the tax revenues collected by these private collectors by millions of dollars. The IRS plan is riddled with hidden costs. For example, the three companies hired by the IRS in the initial phase of its private collection plan have some 75 employees working on what the IRS has described as relatively easy collection cases. However, at least 65 IRS employees have been tasked to monitor the work of these collectors. So from a revenue collection and efficiency standpoint, it doesn't take a calculator to figure out that IRS private collection plan is not worth the paper it's printed on.

Using private debt collectors is also very troubling because it puts confidential taxpayer information at risk of public disclosure and misuse. Just over two years ago, a Treasury Inspector General for Tax Administration, TIGTA, investigation found that a contractor's employees committed security violations, placing IRS equipment and taxpayer data at risk. In some cases, TIGTA officials found that contractors ''blatantly circumvented IRS policies and procedures even when security personnel had identified inappropriate practices.''

As I've mentioned, the IRS has agreed to pay three private collection firms at the outset of its initiative nearly a quarter for every dollar their employees collect on what the IRS has described as relatively easy cases. The IRS's use of very large commissions to pay private firms for their work on such cases is not only fiscally unsound and a shameful example of government waste, it also increases the potential for overzealous collection practices and the misuse of sensitive taxpayer return information. Private debt collection agencies are driven by profit motives, not public service.

Let me emphasize, once again, one very important point. Everybody needs to pay the taxes they owe. If they do not, however, professional IRS employees, not private collectors in search of profits, should be the ones to ensure that outstanding tax debts are paid. If the IRS now says it needs more resources for tax enforcement and collection activities, then Congress should consider providing them.

I fully agree with the recommendations by the independent Taxpayer Advocacy Panel last summer—and recently echoed by National Taxpayer Advocate Nina Olson in the Taxpayer Advocate's 2006 Annual Report to Congress—that the IRS should terminate its outsourcing of taxpayer debt collection and restrict collection activities to properly trained and proficient IRS employees. Indeed, the IRS should immediately reverse course and indefinitely suspend the implementation of its private debt collection activities.

The House of Representatives voted last year to eliminate funding for this IRS initiative in its version of the Treasury Department spending bill, which was never approved by the full Congress. I will be working with Senator MURRAY and many of our colleagues early in this new Congress to get similar language passed by the full Senate at the first available opportunity.

The IRS should act on its own to stop its use of private debt collectors and save any further expenditures of taxpayer money for this purpose. If it will not, however, I will do everything in my power to put the brakes on this initiative in the U.S. Senate. That's why I urge my colleagues to cosponsor this legislation and help us, as the Taxpayer Advocate has suggested, terminate the IRS's privatization collection initiative ''once and for all.''

By Mr. DURBIN (for himself, Mr. VOINOVICH, Mr. LEVIN, Mr. OBAMA, Mr. BAYH, Mr. KOHL, Ms. STABENOW, and Mr. LUGAR):

S. 336. A bill to require the Secretary of the Army to operate and maintain as a system the Chicago Sanitary and Ship Canal dispersal barriers, and for other purposes; to the Committee on Environment and Public Works.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Barrier Project Consolidation and Construction Act of 2007''.

SEC. 2. CONSOLIDATION OF BARRIER PROJECTS.

(a) IN GENERAL.—The Chicago Sanitary and Ship Canal Dispersal Barrier Project (referred to in this Act as ''Barrier I'') (as in existence on the date of enactment of this Act), constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)), and the project relating to the Chicago Sanitary and Ship Canal Dispersal Barrier, as authorized by section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352) (referred to in this Act as ''Barrier II''), shall be considered to constitute a single project.

(b) ACTIVITIES RELATING TO BARRIER I AND BARRIER II.—

(1) DUTIES OF SECRETARY OF THE ARMY.—The Secretary of the Army (referred to in this Act as the ''Secretary'') shall, at full Federal expense—

(A) upgrade and make permanent Barrier I;

(B) construct Barrier II, notwithstanding the project cooperation agreement with the State of Illinois dated June 14, 2005;

(C) operate and maintain Barrier I and Barrier II as a system to optimize effectiveness;

(D) conduct, in consultation with appropriate Federal, State, local, and nongovernmental entities, a study of a full range of options and technologies for reducing impacts of hazards that may reduce the efficacy of the Barriers; and

(E) provide to each State a credit in an amount equal to the amount of funds contributed by the State toward Barrier II.

(2) APPLICATION OF CREDIT.—A State may apply a credit received under paragraph (1)(E) to any cost-sharing responsibility for an existing or future Federal project with the Corps of Engineers in the State.

(c) FEASIBILITY STUDY.—The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall conduct a feasibility study, at full Federal expense, of the range of options and technologies available to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River Basins through the Chicago Sanitary and Ship Canal and other aquatic pathways.

(d) CONFORMING AMENDMENT.—Section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352) is amended to read as follows:

''SEC. 345. There are authorized to be appropriated such sums as are necessary to carry out the Barrier II project of the project for the Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois, initiated pursuant to

section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).''.

By Mr. CONRAD (for himself, Mr. HATCH, Mr. WYDEN, Mr. VITTER, Mr. DORGAN, and Mrs. LINCOLN):

S. 338. A bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing legislation that would take steps to protect access to long-term care hospitals while ensuring that these institutions are admitting the appropriate type of patients. I am pleased to be introducing the bill along with my colleague, Senator HATCH, and I urge my colleagues to consider cosponsoring this cost-saving proposal.

Long Term Acute Care hospitals, or LTAC hospitals, serve a vital role in the Medicare program by providing care to beneficiaries with clinically complex conditions that need hospital care for extended periods of time. These are patients who are too sick to go home or even to a skilled nursing facility, but are stable enough to be released from an intensive care unit. I am happy to have two of these hospitals in North Dakota, one in Fargo and one in Mandan. Together, these two hospitals employ several hundred people and provide care to thousands of North Dakotans. They are a vital part of the North Dakota continuum of care.

While these hospitals provide important health services to very frail individuals, the Centers for Medicare and Medicaid Services (CMS) has become concerned with the growth in these facilities. In 2006, there were 400 LTAC hospitals, compared to 100 in 1996. In addition, the agency has also expressed concern that some LTAC hospitals are admitting patients that may be better served by nursing homes or another level of care. As a result, CMS has begun to arbitrarily cut LTAC hospital payments across-the-board.

As Chairman of the Budget Committee, I have a unique appreciation for the enormous fiscal challenges that face our country and respect CMS's efforts to reduce growth in Medicare. However, any cuts in spending should be targeted at waste and abuse. We should address the growth in LTAC hospitals, but we also want to ensure that there is a place for patients who truly need long-term hospital stays.

The legislation I'm introducing today is a first step in clarifying Congressional intent and giving CMS clearer definitions of what is and is not a LTAC hospital and what type of patient should be admitted to these facilities. At the heart of this bill is a provision that limits the types of patients who can be admitted to LTAC hospitals to those who truly need the specialized care these facilities provide. LTAC hospitals like those in my state that admit only very sick patients will not be significantly affected. But, by eliminating abuses by those facilities that have been receiving generous payments for patients who do not require this sort of specialized care, this provision of the bill would significantly reduce Medicare spending on LTAC hospitals.

It was not easy for the LTAC hospitals in North Dakota and across the country to support legislation that restricts their payments, but I compliment them for working with me to put forward a constructive public policy proposal. In particular, I want to recognize Custer Huseby, Chief Executive Officer of SCCI Hospital in Fargo. He understands that the status quo is no longer defensible and has fought to put forward a workable solution that maintains access to these vital facilities, where they are appropriate. I also want to thank Chip Thomas and Karen Haskins of the North Dakota Healthcare Association, who have partnered with Mr. Huseby to support this legislation.

Long-term care hospitals serve a vital role in our health care system, and we must protect access to these facilities for those who truly need it. But, we can also take responsible steps to ensure that our federal tax dollars are well spent and directed to the most appropriate level of care. I believe my legislation achieves this balance and urge my colleagues to support this measure.

Mr. HATCH. Mr. President, I am happy to join my colleagues, Senators CONRAD, WYDEN, VITTER, DORGAN and LINCOLN in introducing legislation to create standards for long-term, acute-care (LTAC) hospitals. My home State of Utah has LTAC hospitals located in Salt Lake City, West Valley City and Bountiful.

Let me explain what LTAC hospitals are to my colleagues, and discuss the need for this legislation. A general hospital stay in the United States is about 6 days. In contrast, the average patient stay in an LTAC hospital is 25 days. LTAC hospitals represent one of four post-acute care facilities. Of the four types of post-acute care, LTAC hospitals are the most expensive. And, the number of LTAC hospitals has grown rapidly from 100 to 400 over a 10-year period. These dynamics have led the Centers for Medicare & Medicaid Services (CMS) to push for having certain LTAC patients treated in less costly facilities such as nursing homes or rehabilitation clinics.

Our legislation is premised on the belief that only truly sick patients should go to LTAC hospitals. Less medically-complex patients should be seen at less intensive facilities. S. 338 limits the type of patients who may be treated in LTAC hospitals and, by doing so, it will generate at least $1 billion in savings over the next 5 years.

LTAC hospitals have a role to play in the American continuum of health care. We all agree that there should be a place for patients who truly need long-term hospital stays. In that sense, LTAC hospitals serve an important role. Today, Medicare spending on LTAC hospitals is little more than one percent of total Medicare spending.

Let me conclude by saying that this bill is just one component of a larger debate that we need to have about Medicare post-acute care. LTAC hospitals are one component. Nursing homes and rehabilitation clinics are other components. All long-term care providers need to do a better job in convincing the Congress and Federal regulators why our health care system needs four different types of post-acute facilities.

I urge my colleagues to cosponsor the Conrad-Hatch legislation—it is a good bill and it addresses an important aspect of the long-term health care debate. As baby boomers continue to retire, long-term care will become more and more important to all Americans.

Mr. LEAHY. Mr. President, today I join, again, with a bipartisan group of Senators to introduce a bill to reform our immigration laws concerning foreign agricultural workers. America's farmers are calling for a greater number of legal foreign workers, and an improved system for obtaining those workers. We need to likewise ensure meaningful benefits and protections to the workers who will fill these jobs.

I am especially pleased that measures are included to help dairy farmers, who in my home State of Vermont are an integral part of our economy, our history, and our culture. Indeed, it is difficult to think of the Green Mountain State without conjuring up the image of verdant rolling hills dotted with Holstein cows. The provisions in this bill make the H–2A program more workable for dairy farmers by lengthening the time period a foreign worker may remain in the country, providing a process by which an employer can extend the stay of a worker, and by ensuring that workers may ultimately apply for an adjustment to permanent legal resident status.

The bill we introduce today goes a long way toward reforming our H–2A visa program. Along with measures to help streamline procedures for labor certification by employers, the bill will make it easier for employers to meet their responsibilities to ensure that available agricultural jobs are offered first to domestic workers. The bill also makes the process easier for an employer to apply for an extension to a worker's stay, and makes it easier for a foreign worker to switch jobs during their stay.

The bill includes greater protections for workers, including the requirement that employers meet the same motor vehicle safety standards for H–2A workers that are required for domestic workers. A limited Federal right of action is provided for H–2A workers to enforce the economic benefits provided under the H–2A program, or those provided in writing by their employers.

More flexibility is provided for workers and employers by permitting employers to elect to provide a housing allowance, instead of housing. These are but a few of the positive reforms contained in the bill.

The bill also contains a procedure by which undocumented workers who have been working in agriculture can apply for a ''blue card,'' a system where through consistent employment, a fine, proof of the payment of taxes, and proof of no serious criminal history, an undocumented worker can continue his or her contribution legally, and eventually adjust his or her status. The ''blue card'' program encourages family unification by making special provisions for spouses and children of the card holder. The program also has a numerical cap and the built-in safeguard of a sunset provision.

These reforms are a commonsense response that should help meet the needs of our farmers without burdening them with an unduly, time-consuming procedure for securing legal workers. The bill represents an effort to meet both the needs of agricultural employers while respecting the rights and interests of agricultural workers, and is an example of a bipartisan group of legislators listening and responding to the interests of all parties affected.

I join with other Senators in recognizing the needs of our modern economy, and the needs of the American farmer as well as the rights of the individuals who make up the backbone of many farming operations. Working together we can ensure that no American farmer is put in the position of having to choose between obeying the law and making a living, and that no willing worker is denied a chance to work.

By Mrs. FEINSTEIN (for herself, Mr. CRAIG, Mr. KENNEDY, Mr. MARTINEZ, Mrs. BOXER, Mr. VOINOVICH, Mr. LEAHY, Mr. SPECTER, Mrs. CLINTON, Mr. MCCAIN, Mr. OBAMA, Mr. HAGEL, Mr. SCHUMER, Mr. DOMENICI, Mr. KOHL, Mr. SALAZAR, and Mrs. MURRAY):

S. 340. A bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, Senators CRAIG, KENNEDY, MARTINEZ, BOXER, VOINOVICH, and several others are once again introducing legislation that will address the chronic labor shortage in our Nation's agricultural industry. This bill is a priority for me and for the tens of thousands of farmers who are currently suffering—and I hope we will move it forward early in this Congress.

The Agricultural Job Opportunities, Benefits, and Security Act, or AgJOBS, is the product of more than ten years of work. It is a bipartisan bill supported by growers, farmers, and farm workers alike. It passed the Senate last year as part of the comprehensive immigration reform bill last spring in the 109th Congress. It is time to move this bill forward.

The agricultural industry is in crisis. Farmers across the Nation report a twenty percent decline in labor.

The result is that there are simply not enough farm workers to harvest the crops.

The Nation's agricultural industry has suffered. If we do not enact a workable solution to the agricultural labor crisis, we risk a national production loss of $5 billion to $9 billion each year, according to the American Farm Bureau.

California, in particular, will suffer. California is the single largest agricultural State in the Nation. California agriculture accounts for $34 billion in annual revenue. There are 76,500 farms that produce half of the Nation's fruits, vegetables, and nuts from only 3 percent of the Nation's farmland. California farms produce approximately 350 different crops: pears, walnuts, raisins, lettuce, onions, cotton, just to name a few.

Many of the farmers who grow these crops have been in the business for generations. They farm the land that their parents and their grandparents farmed before them.

The sad consequence of the labor shortage is that many of these farmers are giving up their farms. Some are leaving the business entirely. Others are bulldozing their fruit trees—literally pulling out trees that have been in the family for generations—because they do not have the labor they need to harvest their fruit.

Once the trees are gone, they are replaced by crops that do not require manual labor. And our pears, our apples, our oranges will come from foreign sources. The trend is quite clear. If there is not a means to grow and harvest our produce here, we will import produce from China, from Mexico, from other countries who have the labor they need.

We will put American farmers out of business. And there will be a ripple effect felt throughout the economy: in farm equipment, inputs, packaging, processing, transportation, marketing, lending and insurance. Jobs will be lost and our economy will suffer.

The reality is that Americans have come to rely on undocumented workers to harvest their crops for them.

In California alone, we rely on approximately one million undocumented workers to harvest the crops. The United Farm Workers estimate that undocumented workers make up as much as 90 percent of the farm labor payroll. Americans simply will not do the work. It is hard, stooped labor, requiring long and unpredictable hours. Farm workers must leave home and travel from farm to farm to plant, prune, and harvest crops according to the season. We must come to terms with the fact that we rely on an undocumented migrant work force. We must bring those workers out of the shadows and create a legal and enforceable means to provide labor for agriculture. That realization is what led to the long and careful negotiations creating AgJOBS.

The AgJOBS bill is a two part bill. Part one identifies and deals with those undocumented agricultural workers who have been working in the United States for the past 2 years or more. Part two creates a more usable H–2A Program, to implement a realistic and effective guest worker program.

The first step requires undocumented agricultural workers to apply for a ''blue card'' if they can demonstrate that they have worked in American agriculture for at least 150 workdays over the past 2 years. The blue card entitles the worker to a temporary legal resident status. The blue card itself is encrypted and machine readable; it is tamper and counterfeit resistant, and contains biometric identifiers unique to the farm worker.

The second step requires that a blue card holder work in American agriculture for an additional 5 years for at least 100 workdays a year, or 3 years at 150 workdays a year. Blue card workers would have to pay a $500 fine. The workers can travel abroad and reenter the United States and they may work in other, non-agricultural jobs, as long as they meet the agricultural work requirements.

The blue card worker's spouse and minor children, who already live in the United States, may also apply for a temporary legal status and identification card, which would permit them to work and travel. The total number of blue cards is capped at 1.5 million over a five year period and the program sunsets after 5 years. At the end of the required work period, the blue card worker may apply for a green card to become a legal permanent resident.

There are also a number of safeguards. If a blue card worker does not apply for a green card, or does not fulfill the work requirements, that individual can be deported.

Likewise, a blue card holder who commits a felony, three misdemeanors, or any crime that involves bodily injury, the threat of serious bodily injury, or harm to property in excess of $500, cannot get a green card and can be deported.

This program, for the first time, allows us to identify those hundreds of thousands of farm workers who now work in the shadows. It requires the farm workers to come forward and to be identified in exchange for the right to work and live legally in the United States. And it gives farmers the legal certainty they need to hire the workers they need. The program also modifies the H–2A guest worker program so that it realistically responds to our agricultural needs.

Currently, the H–2A program is bureaucratic, unresponsive, expensive, and prone to litigation. Farmers cannot get the labor when they need it.

AgJOBS offers a much-needed reform of the outdated system. The labor certification process, which often takes 60 days or more, is replaced by an ''attestation'' process. The employer can file a fax-back application form agreeing to abide by the requirements of the H–2A program. Approval should occur in 48 to 72 hours. The interstate clearance order to determine whether there are U.S. workers who can qualify for the jobs is replaced by a requirement that the employer file a job notification with the local office of the State Employment Security Agency. Advertising and positive recruitment must take place in the local labor market area.

Agricultural associations can continue to file applications on behalf of members. The statutory prohibition against ''adversely affecting'' U.S. workers is eliminated. The Adverse Effect Wage Rate is instead frozen for 3 years, and thereafter indexed by a methodology that will lead to its gradual replacement with a prevailing wage standard. Employers may elect to provide a housing allowance in lieu of housing if the governor determines that there is adequate rental housing available in the area of employment.

Inbound and return transportation and subsistence is required on the same basis as under the current program, except that trips of less than 100 miles are excluded, and workers whom an employer is not required to provide housing are excluded.

The motor vehicle safety standards for U.S. workers are extended to H–2A workers. Petitions for admission of H–2A workers must be processed and the consulate or port of entry notified within 7 days of receipt. Requirements are the same as current law.

Petitions extending aliens' stay or changing employers are valid upon filing. Employers may apply for the admission of new H–2A workers to replace those who abandoned their work or are terminated for cause and the Department of Homeland Security is required to remove H–2A aliens who abandoned their work. H–2A visas will be secure and counterfeit resistant.

A new limited Federal right of action is available to foreign workers to enforce the economic benefits required under the H–2A program, and any benefits expressly offered by the employer in writing. A statute of limitations of 3 years is imposed.

Finally, lawsuits in State court under State contract law alleging violations of the H–2A program requirements and obligations are expressly preempted. Such State court lawsuits have been the venue of choice for litigation against H–2A employers in recent years.

AgJOBS is the one part of the immigration bill about which there is uniform agreement. Everyone knows that agriculture in America is supported by undocumented workers. As immigration enforcement tightens up, and increasing numbers of people are prevented from crossing the borders or are being deported, the result is our crops go unharvested. We are faced today with a very practical dilemma and one that is easy to solve. The legislation has been vetted over and over again. Senator CRAIG, I, and a multitude of other Senators have sat down with the growers, with the farm bureaus, with the chambers, with everybody who knows agriculture, and they have all signed off on the AgJOBS bill. This is our opportunity to solve a real problem.

I ask my colleagues to join this bipartisan coalition and support this legislation. I also ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Agricultural Job Opportunities, Benefits, and Security Act of 2007'' or the ''AgJOBS Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) AGRICULTURAL EMPLOYMENT.—The term ''agricultural employment'' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) BLUE CARD STATUS.—The term ''blue card status'' means the status of an alien who has been lawfully admitted into the United States for temporary residence under section 101(a).

(3) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(4) EMPLOYER.—The term ''employer'' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(5) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Homeland Security.

(6) TEMPORARY.—A worker is employed on a ''temporary'' basis when the employment is intended not to exceed 10 months.

(7) WORK DAY.—The term ''work day'' means any day in which the individual is employed 5.75 or more hours in agricultural employment.

TITLE I—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

Subtitle A—Blue Card Status

SEC. 101. REQUIREMENTS FOR BLUE CARD STATUS.

(a) REQUIREMENT TO GRANT BLUE CARD STATUS.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, grant blue card status to an alien who qualifies under this section if the Secretary determines that the alien—

(1) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2006;

(2) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act;

(3) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under section 105(b); and

(4) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(b) AUTHORIZED TRAVEL.—An alien who is granted blue card status is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

(c) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is granted blue card status an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(d) TERMINATION OF BLUE CARD STATUS.—

(1) IN GENERAL.—The Secretary may terminate blue card status granted to an alien under this section only if the Secretary determines that the alien is deportable.

(2) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under section 103, the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(A) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(B) the alien—

(i) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under section 105(b);

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States;

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

(iv) fails to perform the agricultural employment required under section 103(a)(1)(A) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in section 103(a)(3).

(e) RECORD OF EMPLOYMENT.—

(1) IN GENERAL.—Each employer of an alien granted blue card status under this section shall annually—

(A) provide a written record of employment to the alien; and

(B) provide a copy of such record to the Secretary.

(2) SUNSET.—The obligation under paragraph (1) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(f) REQUIRED FEATURES OF IDENTITY CARD.—The Secretary shall provide each alien granted blue card status, and the spouse and any child of each such alien residing in the United States, with a card that contains—

(1) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(2) biometric identifiers, including fingerprints and a digital photograph; and

(3) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(g) FINE.—An alien granted blue card status shall pay a fine of $100 to the Secretary.

(h) MAXIMUM NUMBER.—The Secretary may not issue more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

SEC. 102. TREATMENT OF ALIENS GRANTED BLUE CARD STATUS.

(a) IN GENERAL.—Except as otherwise provided under this section, an alien granted blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien granted blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted an adjustment of status under section 103.

(c) TERMS OF EMPLOYMENT.—

(1) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(2) TREATMENT OF COMPLAINTS.—

(A) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this paragraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(B) INITIATION OF ARBITRATION.—If the Secretary finds that an alien has filed a complaint in accordance with subparagraph (A) and there is reasonable cause to believe that the alien was terminated from employment without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(C) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding under this paragraph in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Not later than 30 days after the date of the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(D) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of section 103(a).

(E) TREATMENT OF ATTORNEY'S FEES.—Each party to an arbitration under this paragraph shall bear the cost of their own attorney's fees for the arbitration.

(F) NONEXCLUSIVE REMEDY.—The complaint process provided for in this paragraph is in addition to any other rights an employee may have in accordance with applicable law.

(G) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to subparagraph (D).

(3) CIVIL PENALTIES.—

(A) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under section 101(e) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(B) LIMITATION.—The penalty applicable under subparagraph (A) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

SEC. 103. ADJUSTMENT TO PERMANENT RESIDENCE.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(1) QUALIFYING EMPLOYMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the alien has performed at least—

(i) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of the enactment of this Act; or

(ii) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on the date of the enactment of this Act.

(B) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of subparagraph (A) if the alien has performed 4 years of agricultural employment in the United States for at least 150 work days during 3 years of those 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of the enactment of this Act.

(2) PROOF.—An alien may demonstrate compliance with the requirement under paragraph (1) by submitting—

(A) the record of employment described in section 101(e); or

(B) such documentation as may be submitted under section 104(c).

(3) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement of paragraph (1)(A), the Secretary may credit the alien with not more than 12 additional months to meet the requirement of that subparagraph if the alien was unable to work in agricultural employment due to—

(A) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(B) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(C) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(4) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(5) FINE.—The alien pays a fine of $400 to the Secretary.

(b) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien granted blue card status an adjustment of status under this section and provide for termination of such blue card status if—

(1) the Secretary finds by a preponderance of the evidence that the adjustment to blue card status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(2) the alien—

(A) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under section 105(b);

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(c) GROUNDS FOR REMOVAL.—Any alien granted blue card status who does not apply

for adjustment of status under this section before the expiration of the application period described in subsection (a)(4) or who fails to meet the other requirements of subsection (a) by the end of the application period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(d) PAYMENT OF TAXES.—

(1) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this section, the alien shall establish that the alien does not owe any applicable Federal tax liability by establishing that—

(A) no such tax liability exists;

(B) all such outstanding tax liabilities have been paid; or

(C) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(2) APPLICABLE FEDERAL TAX LIABILITY.—In paragraph (1) the term ''applicable Federal tax liability'' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under subsection (a)(1) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(3) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subsection.

(e) SPOUSES AND MINOR CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted any adjustment of status under subsection (a), including any individual who was a minor child on the date such alien was granted blue card status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(2) TREATMENT OF SPOUSES AND MINOR CHILDREN.—

(A) GRANTING OF STATUS AND REMOVAL.—The Secretary may grant derivative status to the alien spouse and any minor child residing in the United States of an alien granted blue card status and shall not remove such derivative spouse or child during the period that the alien granted blue card status maintains such status, except as provided in paragraph (3). A grant of derivative status to such a spouse or child under this subparagraph shall not decrease the number of aliens who may receive blue card status under subsection (h) of section 101.

(B) TRAVEL.—The derivative spouse and any minor child of an alien granted blue card status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(C) EMPLOYMENT.—The derivative spouse of an alien granted blue card status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains blue card status.

(3) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary may deny an alien spouse or child adjustment of status under paragraph (1) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(A) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under section 105(b);

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

SEC. 104. APPLICATIONS.

(a) SUBMISSION.—The Secretary shall provide that—

(1) applications for blue card status under section 101 may be submitted—

(A) to the Secretary if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(B) to a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary; and

(2) applications for adjustment of status under section 103 shall be filed directly with the Secretary.

(b) QUALIFIED DESIGNATED ENTITY DEFINED.—In this section, the term ''qualified designated entity'' means—

(1) a qualified farm labor organization or an association of employers designated by the Secretary; or

(2) any such other person designated by the Secretary if that Secretary determines such person is qualified and has substantial experience, demonstrated competence, and has a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act (8 U.S.C. 1159, 1160, and 1255), the Act entitled ''An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes'', approved November 2, 1966 (Public Law 89–732; 8 U.S.C. 1255 note), Public Law 95–145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) or any amendment made by that Act.

(c) PROOF OF ELIGIBILITY.—

(1) IN GENERAL.—An alien may establish that the alien meets the requirement of section 101(a)(1) or 103(a)(1) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(2) DOCUMENTATION OF WORK HISTORY.—

(A) BURDEN OF PROOF.—An alien applying for status under section 101(a) or 103(a) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days required under section 101(a)(1) or 103(a)(1), as applicable.

(B) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under subparagraph (A) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(C) SUFFICIENT EVIDENCE.—An alien may meet the burden of proof under subparagraph (A) to establish that the alien has performed the days or hours of work required by section 101(a)(1) or 103(a)(1) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(d) APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.—

(1) REQUIREMENTS.—Each qualified designated entity shall agree—

(A) to forward to the Secretary an application submitted to that entity pursuant to subsection (a)(1)(B) if the applicant has consented to such forwarding;

(B) not to forward to the Secretary any such application if the applicant has not consented to such forwarding; and

(C) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

(2) NO AUTHORITY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required by this subtitle to be made by the Secretary.

(e) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to subsection (f).

(f) CONFIDENTIALITY OF INFORMATION.—

(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary or any other official or employee of the Department or a bureau or agency of the Department is prohibited from—

(A) using information furnished by the applicant pursuant to an application filed under this title, the information provided by an applicant to a qualified designated entity, or any information provided by an employer or former employer for any purpose other than to make a determination on the application or for imposing the penalties described in subsection (g);

(B) making any publication in which the information furnished by any particular individual can be identified; or

(C) permitting a person other than a sworn officer or employee of the Department or a bureau or agency of the Department or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(2) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this title or any other information derived from such furnished information to—

(A) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

(B) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(3) CONSTRUCTION.—

(A) IN GENERAL.—Nothing in this subsection shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes, of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(B) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this subsection, information concerning whether the alien applying for blue card status under section 101 or an adjustment of status under section 103 has been convicted of a crime at any time may be used or released for immigration enforcement or law enforcement purposes.

(4) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be subject to a fine in an amount not to exceed $10,000.

(g) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(1) CRIMINAL PENALTY.—Any person who—

(A) files an application for blue card status under section 101 or an adjustment of status

under section 103 and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(h) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for blue card status under section 101 or an adjustment of status under section 103.

(i) APPLICATION FEES.—

(1) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(A) shall be charged for the filing of an application for blue card status under section 101 or for an adjustment of status under section 103; and

(B) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(2) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under paragraph (1)(B) for services provided to applicants.

(3) DISPOSITION OF FEES.—

(A) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the ''Agricultural Worker Immigration Status Adjustment Account''. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under paragraph (1)(A).

(B) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the ''Agricultural Worker Immigration Status Adjustment Account'' shall remain available to the Secretary until expended for processing applications for blue card status under section 101 or an adjustment of status under section 103.

SEC. 105. WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.

(a) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under section 103.

(b) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under section 101(a) or an alien's eligibility for adjustment of status under section 103(b)(2)(A) the following rules shall apply:

(1) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) WAIVER OF OTHER GROUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(B) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4) of such section 212(a) may not be waived by the Secretary under subparagraph (A).

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(3) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for blue card status under section 101 or an adjustment of status under section 103 by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(c) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in section 101(a)(2) and who can establish a nonfrivolous case of eligibility for blue card status (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for blue card status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for blue card status during the application period described in section 101(a)(2), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

SEC. 106. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for blue card status under section 101 or adjustment of status under section 103 except in accordance with this section.

(b) ADMINISTRATIVE REVIEW.—

(1) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(2) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(c) JUDICIAL REVIEW.—

(1) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(2) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

SEC. 107. USE OF INFORMATION.

Beginning not later than the first day of the application period described in section 101(a)(2), the Secretary, in cooperation with qualified designated entities (as that term is defined in section 104(b)), shall broadly disseminate information respecting the benefits that aliens may receive under this subtitle and the requirements that an alien is required to meet to receive such benefits.

SEC. 108. REGULATIONS, EFFECTIVE DATE, AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary shall issue regulations to implement this subtitle not later than the first day of the seventh month that begins after the date of enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation, for fiscal years 2007 and 2008.

Subtitle B—Correction of Social Security Records

SEC. 111. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking ''or'' at the end;

(2) in subparagraph (C), by inserting ''or'' at the end;

(3) by inserting after subparagraph (C) the following:

''(D) who is granted blue card status under the Agricultural Job Opportunity, Benefits, and Security Act of 2007,''; and

(4) by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted blue card status.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

TITLE II—REFORM OF H–2A WORKER PROGRAM

SEC. 201. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by striking section 218 and inserting the following:

''SEC. 218. H–2A EMPLOYER APPLICATIONS.

''(a) APPLICATIONS TO THE SECRETARY OF LABOR.—

''(1) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

''(A) the assurances described in subsection (b);

''(B) a description of the nature and location of the work to be performed;

''(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

''(D) the number of job opportunities in which the employer seeks to employ the workers.

''(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

''(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

''(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

''(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

''(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

''(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

''(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

''(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer has applied for an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied for an H–2A worker under subsection (a) and to all other workers in the same occupation at the place of employment.

''(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer has applied for an H–2A worker.

''(E) REQUIREMENTS FOR PLACEMENT OF THE NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

''(i) the nonimmigrant performs duties in whole or in part at 1 or more worksites owned, operated, or controlled by such other employer;

''(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

''(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

''(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(H) EMPLOYMENT OF UNITED STATES WORKERS.—

''(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

''(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

''(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

''(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

''(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

''(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

''(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the H–2A worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the H–2A worker who is in the job was hired has elapsed, subject to the following requirements:

''(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

''(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

''(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

''(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

''(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

''(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A, 218B, and 218C.

''(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

''(d) WITHDRAWAL OF APPLICATIONS.—

''(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

''(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

''(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

''(e) REVIEW AND APPROVAL OF APPLICATIONS.—

''(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or worksite, a copy of each such application (and such accompanying documents as are necessary).

''(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

''(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under subsection (a). Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

''(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.''

''SEC. 218A. H–2A EMPLOYMENT REQUIREMENTS.

''(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

''(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

''(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

''(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

''(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

''(C) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

''(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

''(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

''(F) CHARGES FOR HOUSING.—

''(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

''(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

''(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

''(i) IN GENERAL.—If the requirement set out in clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

''(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers and H–2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

''(iii) AMOUNT OF ALLOWANCE.—

''(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(2) REIMBURSEMENT OF TRANSPORTATION.—

''(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

''(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

''(C) LIMITATION.—

''(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

''(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

''(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

''(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

''(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall

provide the transportation reimbursement required by subparagraph (A).

''(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORKSITE.—The employer shall provide transportation between the worker's living quarters and the employer's worksite without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

''(3) REQUIRED WAGES.—

''(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

''(B) LIMITATION.—Effective on the date of the enactment of the Agricultural Job Opportunities, Benefits, and Security Act of 2007 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

''(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

''(i) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is not less than 3 years after the date of enactment of this section, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

''(I) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

''(II) 4 percent.

''(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of enactment of this section, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

''(I) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

''(II) 4 percent.

''(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

''(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

''(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

''(i) the worker's total earnings for the pay period;

''(ii) the worker's hourly rate of pay, piece rate of pay, or both;

''(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the ¾ guarantee described in paragraph (4);

''(iv) the hours actually worked by the worker;

''(v) an itemization of the deductions made from the worker's wages; and

''(vi) if piece rates of pay are used, the units produced daily.

''(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2009, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

''(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

''(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

''(v) recommendations for future wage protection under this section.

''(H) COMMISSION ON WAGE STANDARDS.—

''(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

''(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

''(I) Four representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

''(II) Four representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

''(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

''(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

''(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

''(V) recommendations for future wage protection under this section.

''(iv) FINAL REPORT.—Not later than December 31, 2009, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

''(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

''(4) GUARANTEE OF EMPLOYMENT.—

''(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least ¾ of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

''(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

''(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the '¾ guarantee' described in subparagraph (A).

''(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

''(5) MOTOR VEHICLE SAFETY.—

''(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

''(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

''(ii) DEFINED TERM.—In this paragraph, the term 'uses or causes to be used'—

''(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

''(II) does not apply to—

''(aa) transportation provided, or transportation arrangements made, by an H–2A

worker, unless the employer specifically requested or arranged such transportation; or

''(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

''(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

''(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

''(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

''(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

''(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

''(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

''(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

''(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

''(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

''(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

''(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

''(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

''(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

''(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

''(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

''SEC. 218B. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS.

''(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

''(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

''(c) CRITERIA FOR ADMISSIBILITY.—

''(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

''(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

''(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

''(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

''(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

''(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

''(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

''(d) PERIOD OF ADMISSION.—

''(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

''(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

''(B) the total period of employment, including such 14-day period, may not exceed 10 months.

''(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

''(e) ABANDONMENT OF EMPLOYMENT.—

''(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

''(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

''(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

''(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

''(f) REPLACEMENT OF ALIEN.—

''(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

''(A) who abandons or prematurely terminates employment; or

''(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

''(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

''(g) IDENTIFICATION DOCUMENT.—

''(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify the alien's identity.

''(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

''(A) The document shall be capable of reliably determining whether—

''(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

''(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

''(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

''(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

''(C) The document shall—

''(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

''(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

''(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

''(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

''(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

''(A) for a period of more than 10 months; or

''(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

''(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

''(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

''(B) DEFINITION.—For purposes of subparagraph (A), the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

''(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

''(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

''(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

''(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

''(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

''(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

''(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅓ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

''(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

''(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—Notwithstanding any provision of the Agricultural Job Opportunities, Benefits, and Security Act of 2007, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, or dairy worker—

''(1) may be admitted for an initial period of 12 months;

''(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

''(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

''(j) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—

''(1) ELIGIBLE ALIEN.—For purposes of this subsection, the term 'eligible alien' means an alien—

''(A) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, or dairy worker;

''(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

''(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

''(2) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

''(A) the alien's employer on behalf of the eligible alien; or

''(B) the eligible alien.

''(3) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

''(4) EFFECT OF PETITION.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

''(5) EXTENSION OF STAY.—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

''(6) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

''SEC. 218C. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

''(a) ENFORCEMENT AUTHORITY.—

''(1) INVESTIGATION OF COMPLAINTS.—

''(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

''(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

''(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

''(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as

the Secretary of Labor determines to be appropriate;

''(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

''(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

''(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

''(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

''(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

''(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

''(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

''(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

''(2) The reimbursement of transportation as required under section 218A(b)(2).

''(3) The payment of wages required under section 218A(b)(3) when due.

''(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

''(5) The guarantee of employment required under section 218A(b)(4).

''(6) The motor vehicle safety requirements under section 218A(b)(5).

''(7) The prohibition of discrimination under subsection (d)(2).

''(c) PRIVATE RIGHT OF ACTION.—

''(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

''(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

''(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

''(C) AUTHORIZATION.—

''(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

''(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

''(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

''(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

''(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

''(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

''(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

''(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

''(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

''(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

''(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

''(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

''(i) a recovery under a State workers' compensation law; or

''(ii) rights conferred under a State workers' compensation law.

''(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

''(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(d) DISCRIMINATION PROHIBITED.—

''(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the

employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

''(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

''(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

''(f) ROLE OF ASSOCIATIONS.—

''(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

''(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

''SEC. 218D. DEFINITIONS.

''For purposes of this section and section 218, 218A, 218B, and 218C:

''(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

''(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

''(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

''(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

''(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

''(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

''(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

''(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary or seasonal full-time employment at a place in the United States to which United States workers can be referred.

''(9) LAYING OFF.—

''(A) IN GENERAL.—The term 'laying off', with respect to a worker—

''(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary suspension of employment due to weather, markets, or other temporary conditions; but

''(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

''(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

''(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

''(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

''(B) from its nature, it may not be continuous or carried on throughout the year.

''(12) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

''(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

''(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a national of the United States, an alien lawfully admitted for permanent residence, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).''.

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

''Sec. 218. H–2A employer applications.
''Sec. 218A. H–2A employment requirements.
''Sec. 218B. Procedure for admission and extension of stay of H–2A workers.
''Sec. 218C. Worker protections and labor standards enforcement.
''Sec. 218D. Definitions.''.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens pursuant to the amendment made by section 201(a) of this Act and a collection process for such fees from employers. Such fees shall be the only fees chargeable to employers for services provided under such amendment.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as amended by section 201 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ aliens pursuant to the amendment made by section 201(a) of this Act, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the fees pursuant to the amendment made by section 201(a) of this Act shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as amended and added, respectively, by section 201 of this Act, and the provisions of this Act.

SEC. 302. REGULATIONS.

(a) REQUIREMENT FOR THE SECRETARY TO CONSULT.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture during the promulgation of all regulations to implement the duties of the Secretary under this Act and the amendments made by this Act.

(b) REQUIREMENT FOR THE SECRETARY OF STATE TO CONSULT.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this Act and the amendments made by this Act.

(c) REQUIREMENT FOR THE SECRETARY OF LABOR TO CONSULT.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this Act and the amendments made by this Act.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State,

and the Secretary of Labor created under sections 218, 218A, 218B, 218C, and 218D of the Immigration and Nationality Act, as amended or added by section 201 of this Act, shall take effect on the effective date of section 201 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 303. REPORTS TO CONGRESS.

(a) ANNUAL REPORT.—Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, disaggregated by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218B(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218B(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 101(a);

(5) the number of such aliens whose status was adjusted under section 101(a);

(6) the number of aliens who applied for permanent residence pursuant to section 103(c); and

(7) the number of such aliens who were approved for permanent residence pursuant section 103(c).

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this Act.

SEC. 304. EFFECTIVE DATE.

Except as otherwise provided, sections 201 and 301 shall take effect 1 year after the date of the enactment of this Act.

Mr. CRAIG. Mr. President, the last Congress worked long and hard to resolve one of the most contentious issues of our time: immigration. As many of our colleagues know, while a number of border enforcement measures were enacted, we did not complete all the critical elements of a comprehensive strategy on immigration reform.

Today, I am joining with Senators FEINSTEIN, KENNEDY, SPECTER, LEAHY, MARTINEZ, VOINOVICH, MCCAIN, HAGEL, DOMENICI, BOXER, CLINTON, OBAMA, KOHL, SALAZAR, MURRAY, and SCHUMER in reintroducing legislation to address a very important piece of that unfinished business: the establishment of a workable, secure, effective temporary worker program to match willing foreign workers with jobs that Americans are unwilling or unable to perform.

Our legislation is specific to U.S. agriculture, because this economic sector, more than any other, has become dependent for its existence on the labor of immigrants who are here without legal documentation. The only program currently in place to respond to a lack of legal domestic agricultural workers, the H–2A Guest Worker Program, is profoundly broken. Outside of H–2A, farm employers have no effective, reliable assurance that their employees are legal.

The bill we are reintroducing is called AgJOBS—the Agricultural Job Opportunity, Benefits, and Security Act. This bill was part of the comprehensive immigration legislation passed last year by the Senate. Today's version incorporates a few language changes that update, but do not substantively amend, that measure.

We are reintroducing AgJOBS to fix the serious flaws that plague our country's current agricultural labor system. Agriculture has unique workforce needs because of the special nature of its products and production, and our bill addresses those needs.

Our bill offers a thoughtful, thorough, two-step solution. On a one-time basis, experienced, trusted workers with a significant work history in American agriculture would be allowed to stay here legally and earn adjustment to legal status. For workers and growers using the H–2A legal guest worker program, that program would be overhauled and made more streamlined, practical, and secure.

This legislation has been tested and examined for years in the Senate and House of Representatives, and it remains the best alternative for resolving urgent problems in our agriculture that require immediate attention. That is why AgJOBS has been endorsed by a historic, broad-based coalition of more than 400 national, State, and local organizations, including farmworkers, growers, the general business community, Latino and immigration issue groups, taxpayer groups, other public interest organizations, State directors of agriculture, and religious groups.

We all want and need a stable, predictable, legal workforce in American agriculture. Willing American workers deserve a system that puts them first in line for available jobs with fair market wages. All workers should receive decent treatment and protection of fundamental legal rights. Consumers deserve a safe, stable, domestic food supply. American citizens and taxpayers deserve secure borders and a government that works.

AgJOBS would serve all these goals.

Last year, we saw millions of dollars' worth of produce rot in the fields for lack of workers. We are beginning to hear talk of farms moving out of the country, moving to the foreign workforce. All Americans face the danger of losing more and more of our safe, domestic food supply to imports.

Time is running out for American agriculture, farmworkers, and consumers. What was a problem years ago is a crisis today and will be a catastrophe if we do not act immediately. I urge my colleagues to demonstrate their support for U.S. agriculture by cosponsoring the Agricultural Job Opportunity, Benefits, and Security Act—AgJOBS 2007—and by helping us pass this critical legislation as soon as possible.

Mr. KENNEDY. Mr. President, it's a privilege to join Senators FEINSTEIN and CRAIG and my other colleagues today as we re-introduce the Agricultural Jobs, Opportunity, Benefits, and Security Act of 2007. I commend them and Representatives HOWARD BERMAN and CHRIS CANNON for their bipartisan leadership and am pleased to be part to this landmark legislation.

The bill reflects a far-reaching and welcome agreement between the United Farm Workers and the agricultural industry, one of the most difficult immigration challenges we face, and we in Congress should make the most of this unique opportunity for progress.

America has a proud tradition as a nation of immigrants and a nation of laws. But our current immigration laws have failed us on both counts. Much of the Nation's economy today depends on the hard work and the many contributions of immigrants. The agricultural industry would grind to a halt without immigrant farm workers. Yet, the overwhelming majority of these workers lack legal status, and thus can be easily exploited by unscrupulous employers.

The Agricultural Jobs, Opportunity, Benefits, and Security Act—AgJOBS—is an opportunity to correct these long-festering problems. It will give farm workers and their families the dignity and justice they deserve, and it will give agricultural employees a legal workforce.

This compromise has broad support in Congress, and from business and labor, civic and faith-based organizations, liberals and conservatives, trade associations and immigrant rights groups.

The AgJOBS Act is a needed reform in our immigration laws, to reflect current economic realities, address our security needs more effectively, and do so in a way that respects America's immigrant heritage. It provides a fair and reasonable way for undocumented agricultural workers to earn legal status and also reforms the current visa program, so that employers unable to find American workers can hire needed foreign workers. Together they serve as the cornerstone for comprehensive immigration reform of the agricultural sector.

AgJOBS is good for labor and business. The Nation can no longer ignore the fact that more than half of our agricultural workers are undocumented. Growers need an immediate, reliable and legal workforce at harvest time. Farm workers need legal status to improve their wages and working conditions. Everyone is harmed when crops rot in the field because of the lack of an adequate labor force.

The AgJOBS Act provides a fair and reasonable process for undocumented agricultural workers to earn legal status. Undocumented farm workers are clearly vulnerable to abuse by unscrupulous labor contractors and growers, and their illegal status deprives them of bargaining power and depresses the wages of all farm workers. Our bill provides fair solutions for undocumented workers who have been toiling in our fields, harvesting our fruits and vegetables.

The bill is not an amnesty. To earn the right to remain in this country, workers would not only have to demonstrate past work contributions to the U.S. economy, but also make a substantial future work commitment. These workers will be able to come forward, identify themselves, provide evidence that they have been employed in agriculture, and continue to work hard and play by the rules.

The legislation will also modify the current temporary foreign agricultural worker program, while preserving and enhancing key labor protections. It strikes a fair balance and streamlines the H–2A program's application process by reducing paperwork for employers and accelerate processing. But individuals participating in the program receive strong labor protections. Anything else would undermine the jobs, wages and working conditions of U.S. workers.

This legislation would unify families. When temporary residence is granted, the farm worker's spouse and minor children would be allowed to remain legally in the U.S., but they would not be authorized to work. When the worker becomes a permanent resident, the spouse and minor children would also gain such status.

AgJOBS will also enhance national security and reduce illegal immigration. AgJOBS will also reduce the chaotic, illegal, and all-too-deadly flows of immigrants at our borders by providing safe and legal avenues for farm workers and their families. Future temporary workers will be carefully screened to meet security concerns. Enforcement resources will be more effectively focused on the highest risks. By bringing undocumented farm workers out of the shadows and require them to pass thorough security checks, it will enable our officers to more effectively train their sights on terrorists and criminals.

Last year, the Senate came together—Democrats and Republicans—to pass farreaching immigration reform legislation, which included the AgJOBS bill. The American people are calling on us to come together again. They know there is a crisis and they want action now.

The President has been a leader on immigration reform, and I'm hopeful that he will renew his efforts with members of his party, so that we can enact comprehensive reform legislation, to end the festering crisis once and for all. The House of Representatives is now ready to be a genuine partner in this effort.

By heritage and history, America is a nation of immigrants. Our legislation proposes necessary changes in the law while preserving this tradition. This bill will ensure that immigrant farm workers can live the American dream and contribute to our prosperity, our security, and our values and I hope very much that it can be enacted quickly in this new Congress.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 33—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD EXPAND ITS RELATIONSHIP WITH THE REPUBLIC OF GEORGIA BY COMMENCING NEGOTIATIONS TO ENTER INTO A FREE TRADE AGREEMENT

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 33

Whereas, in the November 2003 Rose Revolution, the people of the Republic of Georgia protested fraudulent elections in a non-violent manner and demanded a fair election, resulting in a democratically elected new government;

Whereas, based on commitments to maintain an open economy and adhere to free trade principles including the reduction and elimination of trade barriers, Georgia was granted membership in the World Trade Organization on June 14, 2000;

Whereas, Georgia was found to have accorded its citizens the right to emigrate, travel freely, and to return to their country without restriction meeting the human rights criteria consistent with the objectives of the Trade Act of 1974, and based on these findings was granted permanent normal trade relations through a waiver of Jackson-Vanik sanctions in 2000;

Whereas, in 1994, Georgia concluded a bilateral investment treaty with the United States, its largest source of foreign direct investment, in order to promote and facilitate non-discriminatory, open and fair commercial policies;

Whereas, the United States is Georgia's largest trading partner and the commercial relationship presents an opportunity for American companies to expand and prosper;

Whereas, the Georgian government has made significant efforts to promote regional cooperation and peaceful conflict resolution;

Whereas Georgia has demonstrated a commitment to responsible facilitation of the energy resources located within the region;

Whereas, Georgia has taken important steps toward the creation of democratic institutions and a free-market economy and, as a participating state of the Organization for Security and Cooperation in Europe (OSCE), is committed to developing a system of governance in accordance with the principles regarding human rights and humanitarian affairs that are set forth in the Final Act of the Conference on Security and Cooperation in Europe (also known as the ''Helsinki Final Act''); and

Whereas the United States is committed to aiding in regional development, economic integration and supporting democracy in the South Caucuses: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should expand its relationship with the Republic of Georgia by commencing negotiations to enter into a free trade agreement.

SENATE RESOLUTION 34—CALLING FOR THE STRENGTHENING OF THE EFFORTS OF THE UNITED STATES TO DEFEAT THE TALIBAN AND TERRORIST NETWORKS IN AFGHANISTAN

Mr. KERRY (for himself and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 34

Whereas global terrorist networks, including the al Qaeda organization that attacked the United States on September 11, 2001, continue to threaten the security of the United States and are recruiting new members and developing the capability and plans to attack the United States and its allies throughout the world;

Whereas a democratic, stable, and prosperous Afghanistan is a vital security interest of the United States;

Whereas stability in Afghanistan is being threatened by antigovernment and Taliban forces that seek to disrupt political and economic developments throughout the country;

Whereas Osama Bin Laden and Ayman al-Zawahiri, the leaders of al Qaeda, are still at large and are reportedly hiding somewhere in the Afghanistan-Pakistan border region;

Whereas, according to United States military intelligence officials—

(1) Taliban attacks on United States, allied, and Afghan forces increased from 1,558 in 2005 to 4,542 in 2006;

(2) suicide bomb attacks in Afghanistan increased from 27 in 2005 to 139 in 2006;

(3) roadside bomb attacks more than doubled from 783 in 2005 to 1,677 in 2006; and

(4) crossborder attacks from Pakistan into Afghanistan have increased by 300 percent since September 2006;

Whereas, on September 2, 2006, the United Nations Office on Drugs and Crime reported that in 2006 opium poppy cultivation in Afghanistan increased 59 percent over 2005 levels and reached a record high;

Whereas the President's current request for United States economic assistance to Afghanistan for fiscal year 2007 is approximately 33 percent of the amount appropriated for fiscal year 2006;

Whereas only 50 percent of the money pledged by the international community for Afghanistan between 2002 and 2005 has actually been delivered;

Whereas, on September 12, 2006, the Secretary of State said, ''[A]n Afghanistan that does not complete its democratic evolution and become a stable, terrorist-fighting state is going to come back to haunt us. . . . [I]t will come back to haunt our successors and their successors.'' and ''If we should have learned anything, it is if you allow that kind of vacuum, if you allow a failed state in that strategic a location, you're going to pay for it.'';

Whereas the bipartisan Iraq Study Group Report concluded, ''If the Taliban were to control more of Afghanistan, it could provide al Qaeda the political space to conduct terrorist operations. This development would destabilize the region and have national security implications for the United States and other countries around the world.'';

Whereas the Iraq Study Group Report recommended that the President provide additional political, economic, and military support for Afghanistan, including resources that might become available as combat forces are redeployed from Iraq;

Whereas the Iraq Study Group Report specifically recommended that the United States meet the request of General James Jones, then United States North Atlantic Treaty Organisation (NATO) commander, for more troops to combat the resurgence of al Qaeda and Taliban forces in Afghanistan;

Whereas, on October 8, 2006, General David Richards, NATO's top commander in Afghanistan, warned that a majority of Afghans would likely switch their allegiance to resurgent Taliban militants if their lives showed no visible improvements in the next 6 months;

Whereas, on January 6, 2007, Army Brigadier General Anthony J. Tata stated that the shortage of troops in Afghanistan could create a ''strategic high risk, a strategic threat'' to the United States and ''an operational threat'' to the elected government of Hamid Karzai;

Whereas, on January 15, 2007, Secretary of Defense Robert M. Gates stated that there were ''indications that the Taliban were planning a large spring offensive'' against United States troops and NATO forces;

Whereas, on January 16, 2007, Lieutenant General Karl Eikenberry, the senior United States commander in Afghanistan, asked to extend the deployment of a United States battalion in Afghanistan that was scheduled to be redeployed to Iraq;

Whereas, on January 17, 2007, General David Richards stated that unmet pledges of troops and equipment from NATO countries have left him 10 to 15 percent short of the forces he requires, saying, ''Clearly, there is a need to fulfill those commitments.'';

Whereas, on January 17, 2007, Secretary of Defense Robert M. Gates stated that United States military commanders in Afghanistan have requested additional United States troops for Afghanistan, and stated that he was ''sympathetic'' to this request;

Whereas the United States currently has approximately 21,000 troops in Afghanistan, approximately 1/7 of the number of United States troops currently deployed to Iraq;

Whereas the President of the United States has announced plans to send approximately 21,500 additional United States troops to Iraq; and

Whereas if the United States does not strengthen efforts to defeat the Taliban and to create long-term stability in Afghanistan, Afghanistan will become what it was before the September 11, 2001 terrorist attacks, a haven for those who seek to harm the United States and a source of instability that threatens the security of the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States must strengthen its commitment to establishing long-term stability and peace in Afghanistan;

(2) the President should not reduce the total number of United States troops serving in Afghanistan in order to increase the total number of United States troops serving in Iraq;

(3) the United States, in partnership with the International Security Assistance Force and the Government of Afghanistan, should immediately increase its efforts to eradicate the Taliban, terrorist organizations, and criminal networks currently operating in Afghanistan, including by increasing United States military personnel as requested by United States military commanders in Afghanistan;

(4) the United States, in support of the Government of Afghanistan, should significantly increase the amount of economic assistance available in Afghanistan for reconstruction, social and economic development, counternarcotics efforts, and democracy promotion activities; and

(5) the United States should work aggressively to encourage members of the international community to deliver on the financial pledges they have made to support development and reconstruction efforts in Afghanistan.

AMENDMENTS SUBMITTED AND PROPOSED

SA 98. Mrs. FEINSTEIN (for Mr. ENSIGN (for himself, Mr. MCCAIN, and Mr. DEMINT)) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process.

SA 99. Mrs. FEINSTEIN (for herself and Mr. BENNETT) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, supra.

TEXT OF AMENDMENTS

SA 98. Mrs. FEINSTEIN (for Mr. ENSIGN (for himself, Mr. MCCAIN, and Mr. DEMINT)) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

Strike page 3, line 9 through page 4, line 12 and insert the following:

''(a) IN GENERAL.—A point of order may be made by any Senator against any item contained in a conference report that includes or consists of any matter not committed to the conferees by either House.

(1) For the purpose of this section ''matter not committed to the conferees by either House'' shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

(2) For the purpose of Rule XXVIII of the Standing Rules of the Senate ''matter not committed'' shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

The point of order may be made and disposed of separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order raised against an item in a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be stricken;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken (any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report shall be made).

SA 99. Mrs. FEINSTEIN (for herself and Mr. BENNETT) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legistative process; as follows:

On page 4, strike lines 16 through 19.

On page 13, lines 1 and 2, strike ''the Select Committee on Ethics and''.

On page 15, strike beginning with line 22 through page 16, line 21, and insert the following:

(a) IN GENERAL.—Section 207(j)(1) of title 18, United States Code, is amended, by—

(1) striking ''The restrictions'' and inserting the following:

''(A) IN GENERAL.—The restrictions''; and

(2) adding at the end the following:

''(B) INDIAN TRIBES.—The restrictions contained in this section shall not apply to acts done pursuant to section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i).''.

(b) CONFORMING AMENDMENT.—Section 104(j) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i(j)) is amended by striking ''and former officers and employees of the United States employed by Indian tribes may act as agents or attorneys for or'' and inserting ''or former officers and employees of the United States who are carrying out official duties as employees or as elected or appointed officials of an Indian tribe may communicate with and''.

On page 24, strike lines 11 through 20 and insert the following:

(A) by striking the first sentence and inserting the following: ''Not later than 20 days after the end of the quarterly period beginning on the 1st day of January, April, July, and October of each year, or on the first business day after the 20th day if that day is not a business day, in which a registrant is registered with the Secretary of the Senate and the Clerk of the House of Representatives, a registrant shall file a report or reports, as applicable, on its lobbying activities during such quarterly period.''; and

On page 27, strike line 12 through ''day,'' on line 15 and insert ''Not later than 20 days after the end of the end of the quarterly period beginning on the 1st day of January, April, July, and October of each year, or on the first business day after the 20th day if that day is not a business day,''.

On page 46, lines 12 and 13, strike ''over sight and enforcement'' and insert ''administration''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, February 7, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's Proposed Budget for FY 2008 for the Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Jonathan Epstein at (202) 224–3031 or Amanda Kelly at (202) 224–6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, February 15, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's Proposed Budget for FY 2008 for the Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact David Brooks at (202) 224–0963 or Rachael Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, January 18, 2007, at 2:30 p.m., in closed session to receive a briefing on intelligence assessments on the situation in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 18, 2007, at 10 a.m., to vote on committee organizational matters for the 110th Congress; immediately following the executive session the committee will meet to conduct a hearing on ''Examining the State of Transit Security.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, January 18, 2007, at 10 a.m. in room SR–253 of the Russell Senate Office Building.

The purpose of the hearing is to conduct oversight on Federal efforts to improve rail and surface transportation security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, January 18, 2007, at 9:30 a.m. in room SD–G50 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on issues relating to oil and gas royalty management at the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 18, 2007, at 9:30 a.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, January 18, 2007, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting to organize for the 110th Congress by electing the Chairman and Vice Chairman of the Committee and to adopt the rules of the Committee and any other organizational business the Committee needs to consider.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Department of Justice Oversight'' on Thursday, January 18, 2007 at 9:30 a.m. in the Dirksen Senate Office Building Room 106.

PANEL I: The Honorable Alberto Gonzales, Attorney General of the United States, Department of Justice, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for an organizational hearing, on Thursday, January 18, 2007, beginning at 9 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 18, 2007, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATING SENATORS AS MEMBERS OF THE JOINT COMMITTEE ON TAXATION

The PRESIDING OFFICER. The Chair announces, on behalf of the Committee on Finance, pursuant to section 8002 of title 26, U.S. Code, the designation of the following Senators as members of the Joint Committee on Taxation: the Senator from Montana, Mr. BAUCUS; the Senator from West Virginia, Mr. ROCKEFELLER; the Senator from North Dakota, Mr. CONRAD; the Senator from Iowa, Mr. GRASSLEY; the Senator from Utah, Mr. HATCH.

ORDER FOR STAR PRINT—S. 108

Mr. REID. Madam President, I ask unanimous consent that S. 108, the Psychologists in the Service of the Public Act of 2007, be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 6

Mr. REID. Madam President, it is my understanding that H.R. 6 has been received from the House and is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

Mr. REID. Madam President, I object to the second reading.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR MONDAY, JANUARY 22, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. Monday, January 22; that on Monday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 2 p.m., with Senators permitted to speak therein for up to 10 minutes each; that at 2 p.m. the Senate begin consideration of H.R. 2, the minimum wage increase bill, as provided for under a previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, I have already announced that there will be

no rollcall votes on Monday or tomorrow. Of course, we are not going to be in session tomorrow.

Tuesday, I expect that we will vote prior to the recess for the caucus luncheons.

ADJOURNMENT UNTIL MONDAY, JANUARY 22, 2007, AT 1 P.M.

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9:35 p.m., adjourned until Monday, January 22, 2007, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate January 18, 0007:

DEPARTMENT OF COMMERCE

MARIO MANCUSO, OF NEW YORK, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION, VICE DAVID H. MCCORMICK.

DEPARTMENT OF STATE

WILLIAM B. WOOD, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF AFGHANISTAN.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

PAUL J. BONICELLI, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE ADOLFO A. FRANCO.

DEPARTMENT OF JUSTICE

PATRICK P. SHEN, OF MARYLAND, TO BE SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES FOR A TERM OF FOUR YEARS, VICE WILLIAM SANCHEZ, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. THOMAS W. TRAVIS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DAVID H. CYR, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DOUGLAS J. ROBB, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL FRANK J. CASSERINO, 0000
BRIGADIER GENERAL STEPHEN P. GROSS, 0000
BRIGADIER GENERAL CLAY T. MCCUTCHAN, 0000
BRIGADIER GENERAL FRANK J. PADILLA, 0000
BRIGADIER GENERAL LOREN S. PERLSTEIN, 0000
BRIGADIER GENERAL JACK W. RAMSAUR II, 0000
BRIGADIER GENERAL BRADLEY C. YOUNG, 0000

To be brigadier general

COLONEL FRANK E. ANDERSON, 0000
COLONEL PATRICK A. CORD, 0000
COLONEL CRAIG N. GOURLEY, 0000
COLONEL DONALD C. RALPH, 0000
COLONEL WILLIAM F. SCHAUFFERT, 0000
COLONEL JACK K. SEWELL, JR., 0000
COLONEL RICHARD A. SHOOK, JR., 0000
COLONEL LANCE D. UNDHJEM, 0000
COLONEL JOHN T. WINTERS, JR., 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN R. ALLEN, 0000
BRIG. GEN. THOMAS L. CONANT, 0000
BRIG. GEN. JOHN F. KELLY, 0000
BRIG. GEN. FRANK A. PANTER, JR., 0000
BRIG. GEN. MASTIN M. ROBESON, 0000
BRIG. GEN. TERRY G. ROBLING, 0000
BRIG. GEN. ROBERT E. SCHMIDLE, JR., 0000
BRIG. GEN. RICHARD T. TRYON, 0000
BRIG. GEN. THOMAS D. WALDHAUSER, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

MICHAEL D. JACOBSON, 0000

To be major

LUIS BERMUDEZRODRIGUEZ, 0000
JUANITA HEIMRICH, 0000
ADLI J. KARADSHEH, 0000
DAVID B. ROBERTS, 0000
TERRILL L. TOPS, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

STUART C. CALLE, 0000
KEVIN T. FITZPATRICK, 0000
MITCHELL A. LUCHANSKY, 0000
CLAYTON H. NASH, 0000
RAFAEL PEREZGUERRA, 0000
DAVID B. TRANT, 0000

To be major

MICHAEL J. DEGUZMAN, 0000
RAVINDRA H. GOEL, 0000
TODD E. JOHNSON, 0000
ARIBETH C. MARLYNE, 0000
EDWIN O. RODRIGUEZPAGAN, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

ERIC D. ADAMS, 0000
ALFONSO S. ALARCON, 0000
JON C. ALLISON, 0000
ROCCO A. ARMONDA, 0000
PETER J. ARMSTRONG, 0000
RICANTHONY R. ASHLEY, 0000
DAVID W. BARBER, 0000
SCOTT D. BARNES, 0000
PAUL L. BENFANTI, 0000
PETER J. BENSON, 0000
STEPHEN A. BERNSTEIN, 0000
ROMAN O. BILYNSKY, 0000
LORNE H. BLACKBOURNE, 0000
YONG C. BRADLEY, 0000
DAVID A. BROWN, 0000
ROBERT N. BRUCE, 0000
CHESTER C. BUCKENMAIER III, 0000
ROBERT B. CARROLL, 0000
ELLEN M. CHUNG, 0000
ROBERT M. CRAIG, 0000
MARC L. DAYMUDE, 0000
DAVID A. DELLAGIUSTINA, 0000
PAUL DUCH, 0000
KIRK W. EGGLESTON, 0000
MICHAEL D. EISENHAUER, 0000
RICHARD W. ELLISON, 0000
ROBERT W. ENQUIST, 0000
ALEC T. EROR, 0000
JOHN H. FARLEY, 0000
DENNIS L. FEBINGER, 0000
HERBERT P. FECHTER, 0000
JOHN H. GARR, 0000
JAMIE B. GRIMES, 0000
KIRBY R. GROSS, 0000
KARLA K. HANSEN, 0000
WILLIAM C. HEWITSON, 0000
ANTHONY J. JOHNSON, 0000
JEFFREY J. JOHNSON, 0000
REBECCA A. KELLER, 0000
KIMBERLY L. KESLING, 0000
MAUREEN K. KOOPS, 0000
MARK E. LANDAU, 0000
JAMES R. LIFFRIG, 0000
JAMES M. LUCHETTI, 0000
KURT L. MAGGIO, 0000
LIEM T. MANSFIELD, 0000
AIZENHAWAR J. MARROGI, 0000
SHERMAN A. MCCALL, 0000
CRAIG T. MEARS, 0000
JENNIFER S. MENETREZ, 0000
KEVIN P. MICHAELS, 0000
RON L. MOODY, 0000
ROBERT L. MOTT, JR., 0000
MICHAEL R. NELSON, 0000
FRANK J. NEWTON, 0000
DAVID W. NIEBUHR, 0000
KAREN K. OBRIEN, 0000
JAMES D. OLIVER III, 0000
JULIE A. PAVLIN, 0000
SAMUEL E. PAYNE, 0000
ROBERT T. PERO, 0000
ELLEN M. PINHOLT, 0000
ALBERT V. PORAMBO, 0000
ROBERT T. RUIZ, 0000
ROBERT M. RUSH, JR., 0000
JOHN S. SCOTT, 0000
DAVID W. SEES, 0000
JAMES F. SHIKLE, 0000
JOSEPH A. SHROUT, 0000
STEPHEN V. SILVEY, 0000
ROBERT A. SMITH, 0000
GEORGE B. STACKHOUSE, 0000
JAMES J. STAUDENMEIER, 0000
MICHAEL R. STJEAN, 0000
MARK F. TORRES, 0000
GREGORY M. WINN, 0000
THOMAS W. WISENBAUGH, 0000
DAVID S. ZUMBRO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

JEFFREY S. ALMONY, 0000
ROBIN T. BRUNO, 0000
JAMES J. CLOSMANN, 0000
CAMERON W. COLE, 0000
PAUL L. COREN, 0000
JACK M. COZBY, JR., 0000
JOSEPH L. CRAVER, 0000
ALEXANDER K. DEITCH, 0000
KENNETH N. DUNN, 0000
NANCY K. ELLISTON, 0000
CHRIS EVANOV, 0000
ROBERT C. GERLACH, 0000
TAMER GOKSEL, 0000
CHARLES L. HATLEY, JR., 0000
MICHAEL L. HEMKER, 0000
GEORGE J. HOLZER, JR., 0000
JAMES P. HOUSTON, 0000
DAVID M. JEFFALONE, JR., 0000
STEPHEN M. KEESEE, 0000
BLAINE L. KNOX, 0000
JAMES R. MACHOLL, 0000
JOHN T. MARLEY, 0000
SCOTT A. MATZENBACHER, 0000
EDWYNNA H. MILLER, 0000
RICKEY A. MORLEN, 0000
DAVID A. MOTT, 0000
CHERYL M. RILEY, 0000
CHARLES A. SABADELL, 0000
CUMMINGS J. SANTIAGO, 0000
STEPHANIE J. SIDOW, 0000
MARK B. SWEET, 0000
KHA N. VO, 0000
PRESTON Q. WELCH, 0000
DANIEL A. ZELESKI, 0000